

23
21.01.2021
(Suvendu)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

WPA 14 of 2021

Gagan Khati & Ors.
-versus-
The GTA & Ors.

Mr. Sanjay Mazoomder
Ms. Sukanya Adhikary
Mr. Goutam Kumar Gupta
.....for the petitioner
Mr. S. Barman
Ms. Bedoshruti Bose
.....for the State

The writ petitioner no.1 was appointed as an Assistant Teacher in a High School and the writ petitioner nos. 2 and 3 were appointed as Assistant Teachers in Junior High Schools under the administrative control of Gorkhaland Territorial Administration and were appointed as Teachers-in-Charge of the said schools subsequently. The case made out in the writ petition is that the Junior High Schools, where the petitioner no.2 and 3 serve as Teachers-in-Charge, were upgraded as Higher Secondary Schools by the Secretary, West Bengal Board of Secondary Education. The petitioners pray for a direction on the concerned authorities for considering their representations made by the petitioners written to the concerned authority. Learned counsel appearing for the petitioners

submits that Gorkhaland Territorial Administration (for short, 'GTA') is presently running and has the administrative control over 129 Government aided high and higher secondary schools within the territory of GTA out of which 87 schools are presently being run by Teachers-in-Charge. Counsel submits that the petitioners have the requisite qualifications and should be appointed as the headmasters of the concerned schools. Counsel relies on Section 26 of the Gorkhaland Territorial Administration Act 2011 with regard to the administrative control of the GTA over such schools and also places notification issued by the West Bengal Central School Service Commission dated 12th June, 2017 which makes an exception for the hill regions in respect of conducting the first SLST Headmaster/Headmistress in recognized non-government aided/sponsored/secondary/higher secondary schools in West Bengal. Counsel that several representations, which were sent to the concerned authorities, have not been responded to till date. An order passed by this Court on 23rd April, 2020 in Bimal Rai –versus- State of West Bengal & Ors. (WP 5363(W) of 2020) has also been relied upon.

No one appears on behalf of the concerned respondents.

State respondents are present.

On hearing learned counsel, this Court deems it fit to direct the respondent no.1 namely, the GTA through its Principal Secretary, Department of Education to consider the grievance of the writ petitioners and should pass a reasoned decision upon hearing all the concerned parties including the petitioners. The reasoned order should be passed within a period of four weeks from date and a copy of the same should be furnished to the petitioners within a week thereafter. In the event it is found that the petitioners have the requisite qualifications to be considered for the post of headmasters in the said schools where the petitioners are presently serving, the GTA or any other authority designated by it should proceed to appoint the petitioners as headmasters of the concerned schools subject to the existing position in law.

WPA 14 of 2021 is disposed of in terms of the above.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be given to the parties on usual undertaking.

(Moushumi Bhattacharya, J.)