

Form J(2)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :

The Hon'ble Justice Bibek Chaudhuri

W.P.A. 76 of 2021

Sudip Sharma and Ors.

-Vs.-

The Gorkhaland Territorial Administration & Ors.

With

W.P.A. 74 of 2021

Arnold Lepcha & Anr.

-Vs.-

The Gorkha Land Territorial Administration & Ors.

For the petitioners : Mr. Pritam Choudhury

For the Respondent No.1 : Ms. Supriya Singh

Heard & Judgment on : 09.02.2021

Bibek Chaudhuri, J.

Since both the writ petitions have same and identical issues of fact and law, they are taken up for hearing and disposed of by a common judgment as hereunder.

The petitioners in both the writ petitions are members of Group-C and Group-D staff on voluntary basis in different classes

within administrative jurisdiction of the Gorkha Land Territorial Administration (hereafter described as GTA), Education Department. They were appointed in educational institutions under the control of GTA on different dates. Pursuant to the letter of engagement they are discharging their respective duties.

In W.P.A. 76 of 2021 one Sudip Sharma and others submitted a representation on 8th July, 2020 requesting the GTA Authority to regularize their engagement.

As no action was taken by the respondents, the petitioners have filed the instant writ petition.

Learned advocate for the petitioners at the outset draws my attention to an unreported judgment dated 27th February, 2020 passed in **W.P.A. 450 of 2020 (Mani Kumar Pradhan and Ors. vs. The Gorkhaland Territorial Administration and Ors.)** where the voluntary teachers of newly set up schools under the Gorkha Land Territorial Administration prayed for regularization of their services. The said writ petition was disposed of by directing the Principal Secretary, GTA to take a decision with regard to the prayer of the petitioners for regularization of their engagement, strictly in accordance with law within a certain period of time by passing a reasoned order after giving them an opportunity of being heard. Similar order was also passed on a writ petition filed by the above

Group-C and Group-D staff of the unrecognized schools under the jurisdiction of GTA in **W.P.A. 436 of 2020 (Sagar Chettri and Ors. vs. The Gorkhaland Territorial Administration and Ors.)** dated 27th February, 2020.

Ms. Supriya Singh, learned advocate appearing on behalf of the respondent No.1 submits that since same order for consideration of representation of the petitioners was passed on identical matters, the respondent has no objection if similar order is passed in both the writ petitions.

The matter in dispute in both the writ petitions is identical as that of W.P.A. 436 of 2020 and W.P.A. 450 of 2020. Only difference is that in W.P.A. 74 of 2021 the petitioners have not filed any representation before the respondents.

Since a Co-Ordinate Bench of this Court passed the order in two similar kind of writ petitions hereinabove, judicial propriety demands that this Court also should take the similar view. Therefore, both the writ petitions are disposed of directing the respondent No.3 to consider the representations submitted by the petitioners of W.P.A. 76 of 2021 and take up the writ petition of W.P.A. 74 of 2021 as representation made by the petitioners and dispose of the same within three weeks from the date of communication of this order and

copy of the representation respectively after giving an opportunity to the petitioners for hearing.

It is made clear that in both the writ petitions this Court has not gone into the merit of the case and the same is open for consideration by the respondent No.3. The final decision taken by the respondent No.3 shall be communicated to the petitioners of both the writ petitions or their authorized representatives within one week from the date of final decision.

Both the writ petitions being W.P.A. 76 of 2021 and W.P.A. 74 of 2021 are accordingly disposed of on contest, however, without costs.

(Bibek Chaudhuri, J.)