

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

WPA 642 of 2020

Edmund Benjamin
-versus-
State of West Bengal & Ors.

Mr. Sanjay Mazoomdar
Ms. Suknya Adhikary
Mr. Goutam Kr. Gupta
...For the petitioner

Mr. Hirak Barman
Ms. Bedashruti Bose
... For the State

The writ petitioner was appointed as an Assistant Teacher in Manebhanjan Junior High School, Darjeeling on 1st January, 1985 and was appointed as Teacher-in-Charge of the said school with effect from 1st April, 2008. The case made out in the writ petition is that the Manebhanjan Junior High School was upgraded as a Higher Secondary School vide Memo dated 26th October, 2010 issued by the Secretary, West Bengal Board of Secondary Education. The petitioner prays for a direction on the concerned authorities for considering two representations made by the petitioner dated 18th January, 2018 and 20th November, 2019 written to the Vice Chairman, Board of Administrator, Gorkhaland Territorial Administration, Darjeeling. Learned counsel appearing for the petitioner 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 petitioner has the requisite qualification and should be appointed as the headmaster of the concerned school. 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 places two representations which were sent to the respondent no.2 but 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.2 namely, the GTA through its Principal Secretary, Department of Education to consider the grievance of the writ petitioner as contained in the representations dated 18th January, 2018 and 20 November, 2019. The concerned respondents should pass a reasoned decision on considering the representations and upon hearing all the concerned parties including the petitioner. 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 petitioner within a week thereafter. In the event it is found that the petitioner has the requisite qualifications to be considered for the post of headmaster in the school where the petitioner is presently serving, the GTA or any other authority designated by it should proceed to appoint the petitioner as headmaster of the concerned school subject to the existing position in law.

WPA 642 of 2020 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.)