

22.3.2021

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Circuit Bench of Calcutta High Court
At Jalpaiguri

WPA 661 of 2021

Santosh Rana

Vs.

State of West Bengal & Ors.

Mr. Sanjay Mazoomdar,

Ms. Sukanya Adhikary

...for the Petitioner.

Ms. Supriya Singh

... For the Respondent Nos. 2 & 3.

Mr. Subir Kumar Saha,

Mr. Momenur Rahman

... For the State.

The grievance of the writ petitioner, as expressed in the instant writ application, is that in spite of an appropriate notification being issued by the District Inspector of Schools, dated 26th July, 2018, proposing Teacher-in-Charge of a school within the GTA to be appointed as a Headmaster of same school, the West Bengal Central School Service Commission by issuing a notification dated 12th June, 2017, has restricted the writ petitioner from being considered to the post of Headmaster of the same school thereby deleting schools of Darjeeling District covered within the GTA area, except Siliguri of District Darjeeling.

Mr. Sanjay Mazoomdar, learned Advocate representing the writ petitioner submits that the writ petitioner has been working as Teacher-in-Charge of

Maneybhanjan High School as against the name of the writ petitioner, the District Inspector of Schools, GTA, Darjeeling has already recommended Teacher-in-Charge to be appointed as Headmaster of same school. The Government of West Bengal by reason of the notification dated 12th June, 2017, has already excluded schools falling under GTA area from the examination to be conducted, except Siliguri Darjeeling.

Learned Advocate at the very threshold of this case proposes for recording similar order, as already passed in WPA 293 of 2021. Adverting to copy of the order, dated 10th February, 2021, delivered by a co-ordinate Bench of this court in WPA 293 of 2021, learned Advocate for the writ petitioner submits that the case made out by the writ petitioner is similar with W.P.A. 2930 of 2021, and the instant writ application may be duly appreciated in terms of the representation, lastly submitted by the writ petitioner on 3rd February, 2021.

Ms. Supriya Singh, learned Advocate representing the respondent Nos. 2 and 3 and Mr. Subir Kumar Saha, learned Advocate representing the other State respondents submits conjointly that necessary instructions may be allowed to be obtained to address the issue involved in this case and, if necessary by filing an affidavit for the purpose.

Having considered the submissions of both sides it appears that the writ petitioner has come forward without causing any delay in exercise of his right so that the direction contained in the notification, issued by the District Inspector of Schools, Darjeeling published in consonance with Section 26(v) of **Gorkha Land Territorial Administration Act, 2011**, may be duly considered on the basis of last representation of writ petitioner. The writ petitioner having submitted a representation well in advance in support of his candidature for being considered to be appointed as Headmaster of the same school, where the writ petitioner has been working, such representation should have been disposed of by the authority referred above, expeditiously after giving an opportunity of hearing to the writ petitioner, either personally or through his representative.

The instant writ petition is, thus disposed of directing the respondent No.2 to consider the representation dated 3rd February, 2021 within three weeks from the date of communication of this order and dispose of the same by recording a reasoned order after giving an opportunity of hearing, either personally to the writ petitioner or to his representative, for the purpose.

Such exercise is, thus required to be completed within three weeks from the date of communication of

this order by the petitioner to the respondent No.2.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Subhasis Dasgupta, J.)

