

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

29.09.2019

Item No.01
Court No.01
Avijit Mitra

WPA No. 800 of 2021

In re: Milan Tamang & anr.

- Versus -

Gorkhaland Territorial Administration & ors.

Mr. Deborshi Dhar,

Mr. Gautam Kumar Gupta

For the Petitioners

Mr. Subir Kumar Saha, Ld. A.G.P.

Ms. Bedashruti Bose

For the State

Ms. Supriya Singh

For the GTA

The present writ petition has been preferred challenging *inter alia* the inaction on the part of the authorities of Gorkhaland Territorial Administration (in short, GTA) to consider the petitioners' claim towards appointment to the posts of Headmaster in the existing vacancies.

Mr. Dhar, learned advocate appearing for the petitioners submits that the petitioner no.1 was appointed to the post of Assistant Teacher in Rama Krishna Siksha Parishad Boy's High School with effect from 11th December, 1986. Thereafter, *vide* memo dated 22nd November, 2020 he was appointed and approved as the Teacher-in-Charge of the said school. The petitioner no.2 was appointed to the post of Assistant Teacher in Panchabatti High School with effect from 17th

August, 1987 and was subsequently appointed and approved as Teacher-in-Charge of the said school *vide* memo dated 4th November, 2020.

He contends that Teachers-in-Charge similarly situated with the petitioners have already been considered and appointed to the posts of Headmaster in different schools in the existing vacancies. The petitioners have the requisite qualification and experience to be appointed to the posts of Headmaster and their claim had already been recommended by the respondent no.3 *vide* a memo dated 26th July, 2018. Presently, 79 posts of Headmaster and Headmistress are lying vacant as would be explicit from the certificate issued by the respondent no.3 on 29th November, 2019. The petitioners accordingly approached the authorities of GTA for consideration of their claim by a representation dated 18th January, 2018 but the same has not yet been considered.

Mr. Saha, learned advocate enters appearance on behalf of the State.

Ms. Singh, learned advocate appearing for the GTA submits that no final decision has yet been taken by the authorities as regards the petitioners' claim.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the competent authority for consideration.

Accordingly, this Court directs the petitioners to submit fresh representations to the respondent no.2 ventilating their grievances within a period of two weeks from date. Upon receipt of such representations, the respondent no.2 shall consider the same, upon granting an opportunity of hearing to the petitioners and pass reasoned orders, in accordance with law and communicate the same to the petitioners within a period of four weeks from the date of receipt of the petitioners' representations.

With the above observations and directions, the writ petition is disposed of.

There shall however be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tapabrata Chakraborty, J.)