

W.P.A. 213 of 2019

Mithu Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Subrata Karmakar
....for the petitioner

Mr. Supriyo Chattopadhyay
Mr. Pinaki Bhattacharyya
...for the State

Mr. Kanak Kiran Bandopadhyay
...for the SSC

Petitioner participated 1st State Level Selection Test 2017 for recruitment of Headmaster/Headmistress in Government aided recognised High as well as Higher Secondary Schools pursuant to notification dated 12th June, 2017.

The grievance of the petitioner is on scrutiny of the candidature of the petitioner after she applied for the post of Headmistress she was allowed to participate in the first phase of verification process for preparation of panel and subsequently the candidature of the petitioner was rejected by the West Bengal Central School Service Commission by assigning the reason that service of the petitioner is not approved by the appropriate authority. While questioning such decision of the Commission reliance has been placed on page 18 of the writ petition, letter dated 18th August, 2005 issued by the Deputy Secretary (Examination) of the West Bengal Board of

Secondary Education whereby the Secretary of the School where petitioner is working was intimated that the said school was recognised as X class high school by the Board on the recommendation of the State Government vide memo dated 26th May, 2005. Reliance has also been placed on letter dated 18th May, 2017 whereby Officer on Special Duty of the West Bengal Council of Higher Secondary Education informed the Headmistress of the school where petitioner is working on renewal of recognition upto 30th June, 2019.

Based on these documents it has been submitted by the learned advocate representing the petitioner that she is discharging duty as assistant teacher in the school which is duly recognised by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education therefore the service of the petitioner as assistant teacher ought to have been considered by the Commission while appraising her candidature during verification process.

In addition thereto, it has been submitted that the petitioner discharged her duty as examiner in the examinations which are conducted by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education therefore according to the petitioner she should have been treated as an eligible candidate for appointment in the post of Headmistress by the Commission.

State-respondents as well as the Commission are represented by the learned advocates who have jointly submitted that the school where the petitioner is discharging duty might have been recognised by the Board/High Secondary Council but the service of the petitioner is not approved by the concerned respondent authority. Therefore, according to the learned advocates representing the respondents petitioner should not be treated as an eligible candidate for appointment in the post of Headmistress in Government aided recognised high school.

This Court has heard the learned advocates representing the parties and has perused the relevant materials available on record. On perusal of the writ petition it appears that nowhere it has been stated that the service of the petitioner in the school in question has been approved by the concerned State-respondents and no averments has been made in the writ petition to that extent. In absence of any statement being made with regard to the approval of appointment of the petitioner in the school in question as an assistant teacher this Court has to proceed on the premise that the service of the petitioner is not approved which is required to be accorded by the concerned State-respondents.

In these backdrop of facts this Court has to consider the eligibility criteria of a candidate for being appointed in the post of Headmaster/Headmistress in Government

aided recognised high school. Such eligibility criteria has been delineated in West Bengal School Service Commission (Selection of Persons for Appointment to the post of Teachers) Rules, 2007. Under the Schedule to the said Rules of 2007 it appears that the eligibility of the candidate to be appointed in the post of Headmistress is ten years' continuous teaching experience in approved post in a Higher Secondary/High School/ High Madrasah/Jr. High Madrasah/Jr. High School/Senior Madrasah recognised by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education/West Bengal Board of Madrasah Education on the date of advertisement.

It has been submitted by the learned advocate representing the Commission that *pari materia* provision is also there in the West Bengal School Service Commission (Selection for appointment to the posts of Headmaster/Headmistress in Secondary or Higher Secondary and Junior High Schools) Rules, 2016.

In addition thereto, in the notification dated 12th June, 2017 issued by the Commission similar eligibility criteria has been provided for being appointed in the approved post of Head of the Institution.

In consideration of the aforesaid requirement relating to the eligibility criteria for being appointed in the post of Headmaster/Headmistress in a recognised Government aided high school, this Court finds that the

petitioner in absence of valid approval from the appropriate State-respondents is not entitled to be appointed in the post of Headmaster/Headmistress.

Accordingly, this Court does not find any merit in the writ petition and the same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)