

26.08.2022
Item No.7
Crt. No.5.
KB

WPA 8902 of 2016

Saudipta Das
-Vs-
State of West Bengal & Ors.

Mr. Biswarup Biswas
... For the petitioner.

Mr. Sayantan Hazra
... For the Respondent No.11.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

In the present writ petition, the writ petitioner being, the Assistant Headmaster of the School-in-issue has challenged the illegal/unethical action/conduct of the Headmaster of the School in recommending an Assistant Teacher of the School to supervise the Common Entrance Test (*CET*) of the West Bengal State Council of Technical and Vocational Education and Skill Development, instead of the Assistant Headmaster.

As per the guidelines for conducting Higher Secondary Education, 2016 the Head of the Institution in the present case, the Headmaster, was to act as Centre Secretary. In his or her absence teaching staff nominated by him/her would act as the Centre Secretary. The same guidelines were also to be followed in the CET examination as per the writ petitioner.

In the event, the son or daughter or any relation was a candidate in a particular centre, the Head of the Institution was not entitled to accept the offer of assignment as a Centre-in-Charge/Custodian/Centre Secretary/Venue Supervisor/Council Nominee.

Since the Headmaster's daughter appeared in the 2016 Examination, he did not accept the offer of Centre Secretary and appointed an Assistant Teacher for the post of the same.

Mr. Biswas, Learned Counsel appears for the assistant Headmaster urges that the same could not have been done since the post of Assistant Headmaster was higher than the post of Assistant Teacher. The proper course of action would have been to appoint the Assistant Headmaster as the Centre Secretary.

Pursuant to an Order of this Bench dated July 29, 2022, the present Headmaster of the School is represented today by Mr. Sayanta Hazra, Learned Counsel.

From the written instructions filed by Mr. Hazra, it appears that the Managing Committee of the School unanimously did not approve of the stand taken by the previous Headmaster. A copy of the written instructions be retained with the records.

As a matter of academic exercise, Mr. Biswas hands over a copy of the Management of Sponsored Institution (Secondary) Rules, 1972 issued on March 8, 2018 after his filing of the writ petition.

The attention of the Court is drawn to 23B(k) of the said Rules to support the contention of the writ petitioner that the Assistant Headmaster/Headmistress of an Institution was the appropriate authority to officiate the post of Headmaster/Headmistress during the temporary vacancy in the post of Headmaster/Headmistress.

Having considered the submissions of the parties and the materials placed on record, this Court finds the erstwhile Headmaster against whom the writ petitioner levelled his grievances has already retired and it is not possible to take any steps against him.

The Managing Committee of the School-in-issue admitted that the erstwhile Headmaster did not properly conduct the proceedings in recommending an Assistant Teacher of the School in place of Assistant Headmaster of the School as the Centre Director.

In the circumstances, this Court holds that the conduct/action of the erstwhile Headmaster was inappropriate and it was the Assistant Headmaster/the writ petitioner who should have been rightfully

recommended by him as the Centre Director in the absence of the Headmaster.

The Writ Petition is accordingly disposed of.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Lapita Banerji, J.)