

25-07-2022
ct no. 13
Sl. 478
sp

WPA 10292 of 2015

Ashok Kumar Ghosh
-Versus-

State of West Bengal & Ors.

Ms. Indrani Chakraborty
Mr. Rafikul Islam Sarkar,
Ms. Sarda Sha

....for the petitioner

Mr. Jaharlal De,
Mr. Debarati Sen (Bose)

...for the State

Supplementary affidavit filed in Court today
is taken on record.

The petitioner is aggrieved by an order dated March 31, 2015, passed by the District Inspector of Schools (SE), Malda. By the impugned order, the District Inspector of Schools (SE), Malda, found that the petitioner's claim for the status of Headmaster in Jugaltala High School, Malda, is misconceived and misplaced. Such prayer was rejected.

The brief facts of the case are, inter alia, that the petitioner was appointed as a Teacher-in-Charge in the said school prior to recognition on December 30, 1982. Subsequently, pursuant to the recognition order dated March 12, 1993, the petitioner was recognized as Assistant Teacher,

w.e.f. 01.04.1994, by the District Inspector of Schools (SE), Malda. At no point of time was the petitioner ever given the designation of Teacher-in-Charge or approved as such by the District Inspector of Schools (SE), Malda.

Counsel for the petitioner would argue before this Court by reference to the order of recognition dated March 12, 1993, that the petitioner was asked to look after the day-to-day administration of the school till a duly qualified Headmaster is appointed. Such Headmaster was not appointed by the School Service Commission until 2009. This cannot confer any right to the post of Headmaster to the petitioner.

It is next argued that the Managing Committee had adopted a resolution appointing the petitioner as Teacher-in-Charge on July 31, 1997. The said document is absolutely of no consequence whatsoever, unless actually approved by the District Inspector of Schools (SE), Malda.

Even at the time of the school having been upgraded and recognized as a high school, the writ petitioner was not recognized or appointed as Headmaster or Teacher-in-Charge. Various writ petitions have been launched by the writ petitioner thereafter. The impugned order was passed based on an order of a Division Bench of

this Court in MAT 72 of 2015 dated February 24, 2015.

This Court, therefore, finds in no uncertain terms that the writ petitioner was never appointed as Teacher-in-Charge or Headmaster in the said school.

The impugned order does not call for any interference.

Hence, WPA 10292 of 2015 fails and is hereby dismissed.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)