

Sl No.59
28.02.2022.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 185 of 2022
Pawan Kumar Rai
-versus
The Gorkhaland Territorial Administration & Ors.**

Mr. Sanjay Mazooder
Ms. Sukanya Adhikari
... for the petitioner.

Ms. Supriya Singh
... for GTA.

The petitioner is serving as Teacher-in-Charge of the Dhajia Jr. High School. He submits that the recruitment as Headmaster/Headmistress in the Darjeeling district is guided by the School Service Commission Rules.

The District Inspector of Schools (S.E.), GTA Darjeeling has already forwarded a note wherein it has been mentioned that all the Teacher-in-Charges possessing the requisite qualification and also serving satisfactorily for more than 15/20 years may be considered for appointment as Headmaster/Headmistress.

The petitioner submits that he possesses the requisite qualification to be appointed as Headmaster and he is serving in the school from 1997.

The petitioner relies upon an unreported order dated February 27, 2020 passed by this Bench in WPA

425 of 2020 (Manish Tamang & Ors. V. The Gorkha Land Territorial Administration & Ors.) and submits that similar order may be passed in this case.

As it appears that the facts of this case are similar to the one in the matter of Manish Tamang (supra), accordingly similar order is passed herein.

The instant writ petition is disposed of by directing the Principal Secretary, Department of Education, GTA to take a decision relying on the note forwarded by the District Inspector of Schools (S.E.), GTA, Darjeeling vide Office Memo No. 1015/SE dated July 26, 2018 and consider the case of the petitioner for being appointed as Headmaster after giving an opportunity of hearing to the petitioner or his authorized representative for production of necessary documents in support of his stand.

The said respondent shall pass a reasoned order within a period of eight weeks from the date of communication of a copy of this order and communicate the same to the petitioner immediately thereafter.

In the event, approval is granted by the Principal Secretary, the concerned District Inspector of Schools, GTA shall take necessary consequential steps in the matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)