

04.01.2022
Srimanta
Ct. No. – 02
Sl. No. 09

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(Via Video Conference)**

W.P.A. 1291 of 2021

**Munna Rai & Anr.
-versus
The Gorkhaland Territorial Administration & Ors.**

Mr. Biswaroop Bhattacharyya, Adv.,
Mr. Pratim Choudhury, Adv.
...For the Petitioners.

Ms. Supriya Singh, Adv.
...For the respondent
nos. 1 & 3.

The petitioners are teachers-in-Charge of two different schools under the administrative control of the Gorkhaland Territorial Administration (GTA).

They had come up with an application under Article 226 of the Constitution raising their grievance that in spite of their eligibility they have not been appointed as Headmaster/Headmistress by the GTA. It is also pointed out by the petitioners referring to page no. 41 of the writ petition that their cases were recommended by the District Inspector of Schools (SE), GTA vide Memo dated 26th July, 2018. Therefore, they are entitled to be appointed as Headmaster/Headmistress in their respective schools.

The learned advocate for the GTA (respondent no. 1) submits that the GTA is required to assess as to whether the Memo dated 26th July, 2018 till holds good or not. Therefore, it is submitted by the learned advocate for the GTA that the matter may be referred to the Principal Secretary of the GTA to consider the legal validity of the Memo dated 26th July, 2018 issued by the District Inspector of Schools (SE), GTA.

In the light of the above submissions, it is directed that the respondent no. 2 shall consider the cases of the petitioners after giving an opportunity of hearing to them or their representative and thereafter pass a reasoned order within a period of six weeks from the date of communication of this order.

In the event the approval is granted by the respondent no. 2, the concerned District Inspector of Schools GTA, Darjeeling should act in accordance with law.

The respondent no. 2 is further directed to communicate the reasoned order to the petitioners within a week from the date of passing of the reasoned order.

While considering the representations of the petitioners, respondent no. 2 shall also consider the orders passed by him following the orders passed in

various applications under Article 226 of the Constitution by this Court time to time.

The instant writ petition is, thus, **disposed of**, however, without cost.

(Bibek Chaudhuri, J.)