

11.07.2022
RP/Ct. 2
sl no. 21

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction**

WPA 2401 of 2021

Ankita Sen

vs.

The State of West Bengal & Ors.

Mr. Samrat Chowdhury
Ms. Ranjana Seal

.... For Petitioner

Mr. Bikramaditya Ghosh
Mr. Pretom Das

.... For State

Mr. Amritam Mandal
Mr. Debasish Mukhopadhyay
Mr. Partha Chowdhury
Ms. Madhusri Dutta

....Respondent No.4

The petitioner alleges that the Managing Committee recommended the petitioner for appointment as the teacher-in-charge of Banarhat Girls' High School (Higher Secondary) and by a letter dated November 9, 2021 requested the District Inspector of Schools (SE), Jalpaiguri to approve the same but the said authority has not taken any decision in that regard till date.

Mr. Ghosh, learned advocate for the State submits that the Managing Committee of the said school thereafter sent a prayer for approval of Subhadra Chik Barik, being the respondent no.7 herein, to the post of teacher-in-charge. He further submits that though the Managing Committee of the said school as well as the petitioner and others met on November 17, 2021 in a meeting in the office chamber of the District Inspector of

Schools (SE), Jalpaiguri and in the said meeting it was unanimously decided that an emergency Managing Committee meeting will be called to resolve the matter at the school level but no communication has been received by the concerned District Inspector of Schools (SE), Jalpaiguri in respect thereof.

Mr. Mondal, learned advocate appearing for the Managing Committee of the said school submits that there are various serious allegations against the petitioner including financial irregularities for which the Managing Committee subsequently decided to appoint the respondent no.7 as the teacher-in-charge of the said school and sought for approval from the District Inspector of Schools (SE), Jalpaiguri.

After hearing the learned advocates for the parties and considering the materials on record, this Court finds that the Managing Committee initially forwarded documents for approval of the appointment of the petitioner as teacher-in-charge and subsequently the said Managing Committee again forwarded documents seeking approval of appointment of the respondent no.7 as teacher-in-charge of the said school.

The concerned District Inspector of Schools (SE), Jalpaiguri, being the authority, to approve the appointment of a teacher as the teacher-in-charge is the appropriate authority for taking a decision as to who is fit

to be appointed as the teacher-in-charge of the said school.

Since the documents seeking approval for appointment to the post of teacher-in-charge has already been forwarded by the Managing Committee and the same are lying with the concerned District Inspector of Schools, this Court directs the District Inspector of School (SE), Jalpaiguri, being the respondent no.3 herein, to consider the prayer for approval of the petitioner, the private respondents herein or any other teacher and to decide who amongst them is fit to be appointed as the teacher-in-charge by passing a reasoned order after giving an opportunity of hearing to the petitioner, the private respondent no.7, the Managing Committee of the school and any other person whom the concerned District Inspector of Schools (SE) feels necessary to be heard while arriving at the said decision. The said reasoned order is to be communicated to the petitioner, the private respondent no.7 and the Managing Committee immediately thereafter. The entire exercise shall be completed within four weeks from the date of communication of a server copy of this order.

With the aforesaid directions, this writ petition stands disposed of. There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of all usual formalities.

(Hiranmay Bhattacharyya, J.)