

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

01.12.2022
Sl. No.19(DL)
srm

W.P.A. No. 2674 of 2022

Sri Naresh Rasaily

Versus

The State of West Bengal & Ors.

Mr. Deborshi Dhar,
Ms. Mohammadi Yasmin

...for the Petitioner.

Mr. Subir Kumar Saha,
Mr. Pretom Das

...for the State-respondents.

Mr. Jagriti Mishra,
Mr. Subham Gupta,
Mr. Debayan Goswami

...for the Respondent No.8.

An unsuccessful candidate, who was not shortlisted for being appointed as an Assistant Headmaster in a secondary school, has filed this writ petition challenging the appointment of the respondent No.8 as the Assistant Headmaster of Judhabir High School, District-Kalimpong. It is contended that the respondent No.8 did not meet the eligibility criteria for such appointment.

The guidelines dated July 10, 2002 issued by the Government of West Bengal, School Education Department

has been referred to. Such guidelines were published to deal with matters relating to recruitment of Assistant Headmaster and Assistant Headmistress of recognized aided non-government secondary and higher secondary schools and also government sponsored schools including madrasahs. Referring to clause 2 of the said guidelines, the petitioner submits that the respondent No.8 was not a post graduate at the time of selection as an Assistant Headmaster.

Ms. Singh, learned Advocate appearing on behalf of the GTA, produces certain documents before the Court. It appears that the District Inspector of Schools (Secondary Education), GTA, Darjeeling intimated the learned Counsel that the petitioner was appointed with the qualification of B.Sc(Pure).

The petitioner was considered to be a pass graduate as there were no documents in the school records indicating enhancement of qualification. Thus, the petitioner was not within the zone of consideration at the time when the school authorities had decided to hold the meeting for appointment of the Assistant Headmaster.

On the contrary, the respondent No.8 had the qualification of M.Sc., B.P.Ed., M.P.Ed. For appointment to the post of Assistant Headmaster, five teachers were eligible

according to their length of service and qualification. The name of the petitioner was not even shortlisted. The respondent No.8 having been found to be most qualified amongst the five, was appointed as an Assistant Headmaster and report to that effect was submitted before the District Inspector of Schools (Secondary Education), GTA, Darjeeling on November 2, 2022 by the Headmaster of the said school. The details of the approved qualification of the respondent No.8 has also been produced before this Court.

The records which have been produced before this Court do not support the contention of the petitioner. Rather, it appears that the petitioner himself did not have the qualification even to be considered for appointment to the post of Assistant Headmaster. The District Inspector of Schools (Secondary Education), GTA, Darjeeling, who is the approving authority has submitted before the Court that the respondent No.8 had the requisite qualification.

Mr. Mishra, learned Advocate for the respondent No.8, also submits that his client had the qualification at the time when the decision was taken by the managing committee of the school to appoint the respondent No.8 as the Assistant Headmaster.

Under such circumstances, nothing remains to be decided in the writ petition. The writ petition is disposed of.

The report filed by the District Inspector of Schools (Secondary Education), GTA, Darjeeling along with the supporting documents is taken on record.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)