

OD-01

ORDER SHEET
WPO/307/2019
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SUBHASIS MONDAL
-VS-
THE STATE OF WEST BENGAL & ORS.

BEFORE:
HON'BLE JUSTICE RAJASEKHAR MANTHA
DATE: 19TH JULY 2022.

APPEARANCE:
Mr. S.P. Jana, Adv.; Mr. S. Das, Adv., for petitioner.
Mr. S. Datta, Adv.; Mr. D. Sarkar, Adv.; Mr. P. Sinha, Adv., for State.
Mr. A. Mitra, Adv.; Mr. S. Chatterjee, Adv., for respondents nos.6-7.

THE COURT: The petitioner is aggrieved by the order dated 15th May, 2019, passed by the DI of Schools(SE), Kolkata.

By the impugned order, the approval of the petitioner's claim for DA from the State has been declined. The principal reason for the decline is that the School has 17 teachers in terms of the DI's sanction. The pupil-teacher ratio was also assessed and it was found that the petitioner's approval was not necessary.

The School feels otherwise.

Counsel for the petitioner, however, indicates that a number of teachers have since retired from service and the sanctioned strength of the teaching staff is, therefore, reduced below the sanctioned strength.

Since the writ petition was filed in the year 2019 and the documents, records and the reports of the school are also of the same period, this Court is of the view that the matter regarding the petitioner's approval shall be considered afresh by the DI after taking into consideration the changed circumstances existing as on date.

The DI shall indicate the number of the existing teachers as opposed to the sanctioned strength and also the number of the students. Any order which may be passed in this respect by the DI will be communicated to the petitioner and the School within a week of passing the same. For the aforesaid purpose, the DI may call for the relevant records from the School and may, in his discretion, give an opportunity of hearing to the School as well as the petitioner.

The aforesaid process shall be completed by the DI within a period of four weeks from the date of communication of this order.

With the aforesaid directions, the writ petition stands disposed of.

(RAJASEKHAR MANTHA, J)

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