

W.P.A. 21413 of 2023

Sibasish Deb
Vs.
The State of West Bengal & Ors.

Mr. Partha Chakraborty
Ms. Poulomi Dutta
Ms. Sharmista China
...for the petitioner

Mr. Manoj Malhotra
Mr. Debansu Nandi
...for the State

The writ petition is presented, *inter alia*, challenging the inaction on the part of the school authority of Khayerbari Balihari High School, District-Dakshin Dinajpur in granting permission to the petitioner to undergo Ph.D course. Petitioner is an approved assistant teacher of the aforesaid school and from the submission of the learned advocate representing the District Inspector of Schools (SE), Dakshin Dinajpur it appears that presently petitioner is holding the post of assistant teacher under pass category in Physical Science. However, petitioner is willing to undergo Ph.D course in North Bengal University being selected by the university authority. It has been submitted by the learned advocate representing the petitioner that in spite of repeated approach being made to the managing committee of the aforesaid school no formal decision has been taken whether petitioner would be permitted to undergo Ph.D course. It is also submitted on behalf of

the petitioner that if permission is not accorded by the managing committee expeditiously petitioner would lose opportunity to enroll himself in the said course under North Bengal University in spite of being selected.

The learned advocate representing the State-respondents files statement of facts along with certain other documents from where it appears that petitioner applied before the managing committee of the aforesaid school seeking permission to undergo Ph.D course in the month of August, 2023 on several dates and ultimately by adopting resolution dated 12th October, 2023 the prayer of the petitioner has been turned down by the school authority on the score that there is dearth of teacher in Physical Science and such according permission thereby permitting the petitioner to undergo Ph.D course would hamper the academic interest of the students.

In spite of service of notice upon the school authority under speed post and receipt of the notice on 11th December, 2023 and subsequent forwarding of notice through e-mail, the school authority is not being represented before this Court today.

Having considered the submissions made on behalf of the petitioner and the State-respondents and on perusal of the resolution taken by the managing committee of the aforesaid school dated 12th October, 2023 it appears that only avenue which is left open in

view of the circular dated 19th May, 2014 being no. 438-SE/S/5P-19/09 is to direct the District Inspector of Schools (SE) Dakshin Dinajpur being the respondent no. 3 to take decision after granting opportunity of hearing to the petitioner and the aforesaid school authority.

Accordingly, the respondent no. 3 is directed to pass a reasoned order on the prayer of the petitioner to grant permission to undergo Ph.D course within a period of fortnight from the date of communication of this order after granting opportunity of hearing to the petitioner and the school authority. The reasoned order shall be communicated to the parties within 1 (one) week thereafter.

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

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)