

11.12.2023
Court No.13
Item No.228
AP

WPA 27519 of 2023

**Madhumita Haldar
Versus
The State of West Bengal & Ors.**

Mr. Sudip Sarkar
Mr. Sukdeb Sarkar

...For the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha.

...For the DPSC.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner is aggrieved by the criteria for posting of Head Teachers in Joynagar Circle within the South 24 Parganas District. She complains that seniority has not been followed and applied for being promoted in the post of Head Teachers.
3. This Court notices that the West Bengal Primary School Teachers' Recruitment Rules of 2016 do not specify any method or criteria to be followed for posting empanelled Teachers to the post of Head Teachers in the Schools in question.
4. The process of posting the empanelled teachers as Head Teachers may therefore be arbitrary.
5. There is strong possibility of discrimination and unequal treatment being meted out to the empanelled teachers. It is possibly to avoid any such anomaly that the DPSC in Howrah, Bankura and North 24 Parganas have adopted a counseling

procedure calling for options from the empanelled teachers.

6. It appears that a Co-ordinate Bench of this Court in W.P.A. No. 26673 of 2023, W.P.A. No. 26812 of 2023, W.P.A. No. 26883 of 2023, W.P.A. No. 26884 of 2023 and W.P.A. No. 26998 of 2023 had passed restraint orders on the DPSC of other Circles from issuing letters of appointment to any Head Teachers.
7. Based on the above, the Chairman, District Primary School Council, South 24 Parganas has stopped the issuance of orders of appointment of Head Teachers in three Circles, namely, Namkhana, Pathar Pratima and Gosaba North under South 24 Parganas District.
8. In view of the above, since the entire issue will have to be finally heard by the Regular Bench, it is ordered that the appointments and joining of Head Teachers in the Joynagar Circle in South 24 Parganas District shall also be similarly stayed. If appointments have already been made and persons have joined, the same shall abide by the result of the writ petition.
9. Let the State, Commissioner of School Education and the District Primary School Council, South 24 Parganas, file affidavits as directed in W.P.A. No. 25696 of 2023.

10. List this matter on 20th December, 2023 before the Regular Bench subject to the convenience of that Bench.
11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)