

25 02.01.2023
rkd Ct.15

W.P.A. 31269 of 2014

Mahabub Rahaman

-vs-

The State of West Bengal & Ors.

Mr. Ekramul Bari

....for the petitioner.

Ms. Chaitali Bhattacharyaa,
Mr. Kartik Chandra Kapas

...for the State.

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and the State respondents.

The issue relates to grant of approval of appointment in favour of the petitioner claiming to be *bona fide* organizing teacher in a school which was recognized by the West Bengal Board of Secondary Education vide memo dated 28th March, 2007 with immediate effect.

Mr. Bari, learned advocate representing the petitioner submits that pursuant to the order passed by the Hon'ble Division Bench dated 27th August, 2013 the District Inspector of Schools (SE), Malda being the respondent no.3, took decision thereby right of the petitioner to be granted approval as organizing teacher was denied. Being aggrieved by such decision of the respondent no.3 the present writ petition was instituted questioning

the validity of the decision of the respondent no.3.

Ms. Bhattacharya, learned senior Government advocate appears on behalf of the State respondents who opposes the prayer made by the petitioner seeking approval of appointment being organizing teacher and has defended the decision of the respondent no.3 as contained in memo dated 28th April, 2014.

This Court has heard the learned advocates representing the parties and perused the decision of the respondent no.3 whereby prayer of the petitioner for grant of approval of appointment upon treating the petitioner as *bona fide* organizing teacher has been spurned.

On perusal of the decision of the respondent no.3, it appears that DLIT inspection was conducted on 6th February, 2006 prior to granting recognition in favour of the school in question and in the said report prepared based on such inspection, name of the petitioner did not feature.

In view of this fact that in the inspection report petitioner's name did not appear it appears that the petitioner was not entitled to be considered for grant of approval of appointment being organizing teacher.

In addition thereto, reliance has been placed on the judgment of the Hon'ble Division Bench dated 6th July, 2018 passed on an intra Court appeal being MAT 1626 of 2017 **(The District Inspector of Schools (SE), Burdwan & Ors. -vs- Abdul Barik Shaikh & Ors.)**, wherein it has been succinctly decided by the Hon'ble Division Bench in paragraph 19 which runs infra:

“Applying the law laid down here, we hold that Manindra Nath Sinha (supra) having been affirmed by the Supreme Court, all Benches of this Court in cases involving similar fact situation are bound to follow the same as a binding precedent and any decision of a learned Judge or Judges, which runs counter to the dicta in Manindra Nath Sinha (supra), Smritikana Maity (supra), Gita Banik and Gopal Singh (supra), is not good law.”

In view of above conspectus the writ petition does not merit consideration and accordingly the same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)