

Sl.No. 12
27.02.2023
SB-II
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 30 of 2023

**Sudha Rai & Ors.
-versus
The Gorkhaland Territorial
Administration & Ors.**

**Mr. Sanjay Mazoomdar,
Ms. Sukanya Adhikary.
...For the Petitioner.**

**Ms. Supriya Singh.
...For GTA.**

The petitioners claim to be the Teacher-in-Charge of the respective schools under the Gorkhaland Territorial Administration. The District Inspector of Schools (SE), GTA Darjeeling vide an Office Note dated 26th July, 2018 mentions that out of 129 number of High and Higher Secondary schools, many of such schools have been running under the administrator/Teacher-in-Charge since 1998.

The Note records that since long the appointment of Headmaster is pending. The School Service Commission Recruitment Rules is defunct in the Hill area of Darjeeling and the Gorkhaland Territorial Administration is the supreme authority in the matter. It records that all the Teacher-in-Charge possessed the requisite qualification for Headmaster and is serving satisfactorily for a

considerable period.

The District Inspector of Schools was of the opinion that the Gorkhaland Territorial Administration authority may take an appropriate step so that the Teacher-in-Charge can be favoured with appointment of Headmaster as early as practicable.

The petitioners submit that they are serving in the schools for a considerable period of time and they possess the requisite qualification for being appointed as Headmaster/Headmistress of the schools.

The petitioners pray for necessary direction upon the concerned authority for appointing them as Headmaster/Headmistress and for necessary approval of their appointment.

The petitioners rely upon an unreported order dated 6th December, 2019 passed by a Co-ordinate Bench of this Court in WPA 917 of 2019 (Mahendra Chettri & Ors. -Vs- State of West Bengal & Ors.), wherein on similar facts the Court directed the Principal Secretary, Department of Education under the Gorkhaland Territorial Administration to take a decision in the matter and pass a reasoned order within the time frame as fixed by the Court. The petitioners pray for similar orders to be passed in their case.

The petitioners have also placed the order of approval of appointment in respect of the petitioners in the aforesaid writ petition being WPA 917 of 2019

in support of their contention that the respondents have complied the direction passed by the Court and has approved the appointment of the petitioners therein as Headmaster/Headmistress of the respective schools.

The learned advocate appearing on behalf of the respondents submits that the respondents have already acted in accordance with the direction passed by the Court in WPA 917 of 2019 and in the event direction is passed by the Court in the instant matter the respondents will take necessary steps for consideration of the prayer of the petitioners.

Learned advocate for the Gorkhaland Territorial Administration submits, upon instructions that, the post of headmaster is a single cadre post.

In view of the submissions made on behalf of the parties the instant writ petition is disposed of by directing the Principal, Department of Education, Gorkhaland Territorial Administration to take a decision with regard to the Note forwarded by the District Inspector of Schools (SE), GTA Darjeeling vide Office Memo No.1015/SE dated 26th July, 2018 and consider the case of the petitioners for being appointed as Headmaster/Headmistress of the respective schools, after giving an opportunity of hearing to the petitioners or their authorized representative for production of the necessary records in support of their contention.

The said respondents shall pass a reasoned order in the matter within a period of six weeks from

the date of communication of a copy of the order and shall communicate the same to the petitioners within a fortnight thereafter.

In the event the approval is granted by the Principal Secretary, the concerned District Inspector of Schools, GTA Darjeeling shall take necessary consequential steps in the matter.

Learned advocate for the petitioner is directed to forward copy of the representations filed by the petitioners at the time of communicating the order of the Court.

WPA No. 30 of 2023 is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)