

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Constitutional Writ Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri.**

W.P.A. 133 of 2023

**Munnu Chhetri @ Munnu Gautam
-Versus-
The Gorkhaland Territorial Administration & Ors.**

**For the Petitioner : Mr. Gautam Kr. Gupta, Adv.
Mr. Deborshi Dhar, Adv.**

For G.T.A. : Ms. Supriya Singh, Adv.

**For the State : Mr. Subir Kumar Saha, Adv.
Mr. Momenur Rahman, Adv.**

Heard & Judgment On : 1st February, 2023.

The petitioner was appointed as Assistant Teacher in Kalimpong Jubilee Higher Secondary School, Kalimpong on 6th June, 1997. Subsequently he was appointed as Teacher-in-Charge by memo No.413 dated 5th August, 2022 with effect from 1st August, 2022. Subsequently she made various representations especially before the respondent No.2, praying for appointing him as Headmaster of the said school.

It is relevant to state that vide a memo dated 12th June, 2017, the West Bengal Central School Service Commission excluded operation of the said memorandum on the point of selection and appointment of Headmaster of the Government aided school situated in GTA. The

appointment of Headmaster in the Government aided school under the administrative, financial and executive control of Gorkhaland Territorial Administration would be directed to be made by the District Inspector, GTA, respondent No.3 herein. The petitioner being the Teacher-in-Charge made her last representation on 13th December, 2022 praying for appointing him as Headmaster of the said school. The said representation has not been adhered to.

Learned Advocate for the petitioner submits that this Court previously in a similar matter being WPA No.293 of 2021, passed an order on 10th February, 2021 directing the respondent authorities to consider the representation filed by the Teacher-in-Charge sympathetically. The learned Advocate for the petitioner has placed reliance of the order passed by this court in WPA 293 of 2021(**Bikash Sharma Vs. State of West Bengal & Ors.**).

Ms. Supriya singh, learned Counsel for the respondent Nos.1 & 2, on the other hand, submits that if GTA Authority is directed to consider the representation of the petitioner dated 13th December, 2022, she has no objection.

Having heard the learned Counsels for the parties, I like to state to accept the petitioner, no other person of the said school came forward before this Court with the similar prayer. The right of a person who approached the Court at the earliest must be protected.

The petitioner is the Teacher-in-Charge of the above-mentioned school. She has made series of representations, last being dated 13th December, 2022 before the respondents offering her candidature as Headmaster of the said school. GTA is under obligation to dispose of her representation by a reasoned order after giving opportunity to the petitioner to represent her case either personally or through her representative.

Therefore, the instant writ petition is disposed of directing the respondent No.1 to consider and dispose of the representation dated 13th December, 2022 submitted by the petitioner within three weeks from the date of communication of the order by a reasoned order after giving opportunity to the petitioner or her representative of hearing.

The instant writ petition is, thus, allowed on contest, however without costs.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)

***Mithun
Ct No.2
Sl No.37.***