

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

WPA 315 of 2023

Abhishek Rai
Vs.
Gorkhaland Territorial Administration Council and Ors.

Mr. Ekramul Bari
...for the petitioner

Mr. Hirak Barman
Mr. Momenur Rahman
...for the State

Mr. Debajit Kundu
...for the respondent Nos.6 to 10

Ms. Supriya Singh
..for GTA

Item No. 04

Judgment on: 07.02.2023

BIBEK CHAUDHURI, J. : –

The petitioner was appointed as Assistant Teacher on 18th June, 2015 in Dr. Radhakrishnan Higher Secondary School.

The above named writ petitioner filed WPA 6798 of 2020 which was disposed of on 15.09.2020 with a direction upon the

respondents to consider the representation of the petitioner within a period of six months and the D.I. of Schools (S.E.) was directed to pass a reasoned order thereafter. The D.I. of Schools (S.E.) passed an order dated 27th January, 2021 rejecting the representation of the petitioner holding, inter alia, that he is not the competent authority to grant orders for such regularization as prayed for by the petitioner.

This is the second round of litigation where the petitioner has sought for his absorption in the vacant post in the said school in respect of Assistant Teacher. On the strength of an order dated 29th December, 2014 passed in WP 34439 (W) of 2014 similarly placed teachers posted in different schools under the administration of GTA were absorbed against the vacant posts. The present petitioners are praying for the similar relief in the instant writ petition stating, inter alia, that the order of the aforesaid writ petition was not placed before the Principal Secretary, GTA along with his representation which was rejected on 23rd August, 2021.

In view of such circumstances, the instant writ petition is **disposed of** giving liberty to the petitioner to file a fresh

representation along with a copy of the order passed in WP 34439 (W) of 2014 before the Secretary, GTA who will consider the representation afresh and pass a reasoned order within three weeks from the date of receipt of such representation after giving an opportunity to the petitioners or his authorized representative of hearing.

(Bibek Chaudhuri, J.)