

12.05.2023

Sl.No. 3
Ct.No.16
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 710 of 2023

Sri Sarbin Thapa
VS
State of West Bengal & Ors.

Mr. Tulsidas Maiti
Mr. Pradip Kumar Ghosh
Mr. Debojit Kundu
...for the petitioner

Ms. Esha Acharya
Mr. Sourav Ganguly
...for the respondent nos. 4 & 5

Mr. Hirak Barman
...for the State

On 11th April, 2023, this writ application was moved before the Hon'ble Mr. Justice Aniruddha Roy. On that day none appeared for the School Authority. The matter was directed by the court to go out of the list with liberty to the writ petitioner to file an affidavit of service.

Such affidavit of service has been filed and at the instance of the writ petitioner the writ application has been listed.

By his letter dated 29th October, 2021, the District Inspector of Schools (S.E), Alipurduar accorded permission to the Headmaster of Hasimara Hindi High School (H.S.) for

recruitment/selection of one Assistant Headmaster for the school.

From this communication it appears that such permission was given as the school had more than 1000 students since 2019 and the post of Assistant Headmaster had been sanctioned on 29th October, 2021.

By a letter dated 30th November, 2021, the Headmaster of the school called the writ petitioner for an interview before the selection committee on 4th December, 2021 at 11.00 A.M. in the school premises.

According to the writ petitioner, he was selected and the selection referred to the managing committee of the school for approval.

Learned counsel for the petitioner submits that thereafter the managing committee approved the panel and sent it to the District Inspector Schools (S.E.) Alipurduar for approval.

Certainly the petitioner has made out a prima facie case. More so, because the State has not appeared and not taken any direction to file an affidavit-in-opposition to the writ petition. Therefore, the assertion of the writ petitioner is uncontroverted.

In those circumstances, I am of the view that the District Inspector of Schools (S.E) is required to disclose and the petitioner is entitled

to know the result of the selection process. If the District Inspector of Schools (S.E.) has not taken a decision he has a duty of consider the recommendation of the managing committee.

I direct the District Inspector of Schools (S.E.) to hear the writ petitioner in a short hearing of not more than 30 minutes, consider the records and communicate a reasoned decision with regard to the subject selection process for appointment of the Assistant Headmaster in Hasimara Hindi High School (H.S.) within 2 months of communication of this order. If the Assistant Headmaster has been appointed by this time, he shall mention the same and in what circumstances it was made.

The writ application is, accordingly, disposed of.

Urgent certified photo copy of this order, if applied for, be given to learned advocates for the parties upon compliance of all requisite formalities.

(I. P. Mukerji,J.)