

Ct. 19.05
No. 14 2023
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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 1167 of 2023
Md. Safi Miah & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Manik Lal Poddar ...For the Petitioner

Mr. Supriyo Chattopadhyay
Ms. Tapati Samanta ...For the State Respondents

Learned Counsel appearing for the petitioners submits that deficit Court fees have already been paid in terms of the previous order.

The petitioners are the organizing staff of an educational institution namely Jnandwip Handicapped School and Training Centre at Kadamtala, Patlakhawa, Cooch Behar since its inception. This Institution is recognized by the Director of Mass Education Extension, West Bengal. Financial assistance as well as Government sponsorship have been extended to the Institution. By an order dated December 31, 2021, the Director of Mass Education Extension recommended that the petitioners should be absorbed in the respective sanctioned posts with effect from the date of sponsorship as per the Government Memo dated 31st October, 2009. In spite of such recommendation made by the Director of Mass Education Extension no approval has yet been accorded by the Finance Department.

A writ petition being WPA 572 of 2021 was preferred by ten writ petitioners who happened to be organizing staff of the said school. By an order dated 23.02.2021 the writ petition was disposed of by a Learned Single Bench directing the respondent No. 2, the Secretary,

Finance Department, Government of West Bengal to grant approval as per the recommendation made by the Director of Mass Education, West Bengal, in favour of the petitioners in accordance with law within a specified a time.

Learned Counsel appearing for the petitioners submits that his clients are similarly circumstanced as that of the petitioners of WPA 572 of 2021 and as such similar relief may be granted in favour of the petitioners.

Admittedly, the Director of Mass Education Extension recommended the appointment of the petitioners on absorptions as organizing staff of the aforesaid Institution namely, Jnandwip Handicapped School and training Centre.

It appears that by order dated 23rd February, 2021 passed in WPA 572 of 2021 a Coordinate Bench directed the respondent No. 2, the Secretary, Department of Finance, Government of West Bengal to grant approval as per the recommendation made by the Director of Mass Education Extension in favour of the petitioners in accordance with law within a specified time.

Since the petitioners stand on the same footing as that of the petitioners of WPA 572 of 2021 I feel that the instant writ petitioner may be disposed of by passing the following order.

The respondent No. 2, the Secretary, Department of Finance, Government of West Bengal is directed to approve the appointment of the petitioners as recommended by the Director of Mass Education Extension, West Bengal in accordance with law within a period of six weeks from the date of communication of this order.

With the aforesaid direction the writ petition stands disposed of.

There will be no order as to costs.

Since no affidavit has been invited from the state, the allegations / averments as made in the writ application shall be deemed to have been not admitted by the state.

All parties may act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the parties on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)