

20-09-2023
Court No.3
Sh/5

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

WPA 1860 of 2023

Nima Lepcha

Vs.

The Gorkhaland Territorial Administration & Ors.

Mr. Sanjoy Mazoomder,
Ms. Sukanya Adhikari

For the Petitioner.

Mr. Hirak Barman,
Mr. Pretom Das.

For the State.

Mr. Bikramaditya Ghosh.

For the respondent no.5

Mrs. Supriya Singh.

For the G.T.A.

Mr. Sourav Ganguly,
Mr. Pijush Agarwal,
Ms. Utsha Dasgupta,
Ms. S. Kajaria.

For the respondent no.4.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner, in the present writ petition, is working as a Teacher-in-Charge of a Government aided School situated at the hill area of West Bengal which falls under the control of GTA. The District Inspector of Schools (S.E.), GTA, Darjeeling by an office memo No.1015/SE dated 26-7-2018 recommended that of TICs working in the GTA region having sufficient educational qualification to be appointed as Headmaster/Headmistress of their respective Schools.
3. It is the case of the petitioner that despite various representations the petitioner was not appointed as Headmaster/Headmistress.

4. Learned counsel for the petitioner pointed out that this Court in WPA 917 of 2019 (Mahendra Chettri & Ors. Vs. The State of West Bengal & Ors.) has considered the case of similarly situated people and directed the respondents to consider their representation keeping in mind the recommendation of the District Inspector of Schools (SE), GTA, Darjeeling.
5. Learned counsel appearing for the petitioner submits that he will be satisfied at this stage, if the similar order is passed in this matter too.
6. Learned counsel for the respondents have no objection in adopting the same course of action.
7. Hence the present writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner keeping in mind the recommendation of the District Inspector of Schools, GTA, West Bengal after affording an opportunity of personal hearing to the petitioner.
8. The respondent shall conclude the said process within a period of four weeks from today. The respondents are directed to communicate the outcome of the said hearing by way of a speaking order.
9. Needless to say that if the petitioner is aggrieved by the decision taken by the respondents, he will be at liberty to challenge the same in accordance with law.
10. It is clarified that since affidavits have not been called for, the allegations contained in the writ petition shall be deemed not to have been admitted by the respondents.
11. The present writ petition is disposed of with the above directions.

12. Urgent Photostat certified copy of this order, if applied for, be supplied to the learned advocates appearing for the parties expeditiously subject to compliance of all requisite formalities.

(GAURANG KANTH,J.)