

17.11.2023  
Sl. No.7  
srm

IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE

W.P.A. No. 2480 of 2023

Sri Anup Saha

Vs.

The State of West Bengal & Ors.

Mr. Narendra Nath Das,  
Ms. Binapani Shingh,  
Mr. Jagesh Chandra Roy

....for the Petitioner.

Mr. Subir Kumar Saha,  
Ms. Bedashruti Bose

.....for State-respondents.

Affidavit-of-service is taken on record.

Leave is granted to correct the name of the  
respondent No.1 in the cause title.

The petitioner, while serving in a school at  
Meghalaya, applied for the post of Headmaster pursuant  
to an advertisement of the West Bengal Central School  
Service Commission in 2009. The petitioner qualified in  
the written examination and the personality test and the  
petitioner was recommended as the Headmaster of  
Kamala Kanta High School (H.S.), District-Cooch Behar.  
The appointment letter was issued in 2010. The petitioner

was duly released from his former school on May 11, 2010. The petitioner joined the Kamala Kanta High School (H.S.) as the Headmaster on May 12, 2010. The petitioner's service was accordingly approved. At present the petitioner is serving at Ghogomali High School (H.S.) upon obtaining transfer.

According to the petitioner, the pay protection upon considering the continuity of service at Meghalaya was not granted by the School Service Commission and the State of West Bengal. The petitioner filed WPA No.18149 of 2014 challenging such inaction of the authorities. The said writ petition was disposed of by an order dated April 27, 2022, by a learned coordinate Bench. The petitioner's case was directed to be considered by the Secretary, School Education Department, Government of West Bengal and a reasoned order was directed to be passed. It appears from the records that the Secretary, School Education Department, Government of West Bengal by a letter dated September 19, 2023 asked the Commissioner of School Education, Directorate of School Education Department, Government of West Bengal to take necessary action on the basis of the petitioner's application by considering the relevant rules and law applicable to the petitioner's case.

It appears that pursuant to the said letter, no further action has yet been taken by the Commissioner of School Education, Directorate of School Education Department.

Under such circumstances, the writ petition is disposed of with a direction upon the Commissioner of School Education, Directorate of School Education Department, Government of West Bengal to dispose of the representation dated August 28, 2023 filed by the petitioner which was forwarded by the Secretary School Education Department upon hearing the petitioner and upon passing a reasoned order under applicable laws, rules and other relevant circulars in this regard. The reasoned order shall be communicated to the petitioner.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

This Court has not gone into the merits of the claims and counter-claims of the parties. The authorities shall decide the matter solely based on the laws applicable and the rules for the purpose of determination of the issues.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server  
copy of this order.

**(Shampa Sarkar, J.)**