

Item No.7
28.11.2023
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 2531 of 2023

Chandan Kumar Singh
VS
The State of West Bengal & Ors.

*Mr. Sanjay Mazoomder,
Ms. Sukanya Adhikary*

...for the Petitioner.

Mr. Pretom Das

...for the State.

Mr. Bikramaditya Ghosh

...for the Respondent No.2.

Ms. Supriya Singh

...for the G.T.A.

Affidavit-of-service filed in Court today, be kept
with the record.

The petitioner claims appointment as a
Headmaster of the school as he is already working as a
teacher in-charge of Darjeeling Hindi High School.

According to the petitioner, various orders have
been passed by the coordinate Benches directing the
concerned authority to consider the case of such similarly
situated teachers in-charge of respective schools under
the Gorkhaland Territorial Administration in the light of
the office note dated July 26, 2018 issued by the District
Inspector of Schools, Secondary Education, Gorkhaland
Territorial Administration, Darjeeling.

The petitioner's case has been pending since long. It is also contended that no fixed policy had been framed by the government with regard to the appointment of headmasters and headmistresses of the schools within the jurisdiction of the Gorkhaland Territorial Administration.

Ms. Singh, learned advocate appearing on behalf of the Gorkhaland Territorial Administration submits that appointments are to be made with the approval of the government and also through the School Service Commission.

Mr. Das, learned advocate appearing on behalf of the State respondents submits that appointment to the post of headmaster has to be recommended by the School Service Commission.

None of the learned advocates have been able to convince the Court that there is any rule in place, by which the jurisdiction of the School Service Commission has been extended to the Gorkhaland Territorial Administration. On the other hand, the learned advocate for the petitioner relies on a document which is a notification of the first state level selection test for recruitment to the post of Headmasters and Headmistresses in secondary, higher secondary schools (except hill region), 2017, which indicates that the jurisdiction of the West Bengal Central School Service Commission, did not cover the area under the Gorkhaland Territorial Administration.

The petitioner will approach the Principal Secretary, Department of Education, Government of West Bengal with his prayer. The said authority is directed to take a final decision in this regard. As there appears to be some cloud over the system of appointment of headmasters and headmistresses in the schools under the Gorkhaland Territorial Administration, the said authority must decide the claim of the petitioner. If similarly situated teachers in-charge have been appointed as headmasters, the petitioner's case should also be considered accordingly. On the one hand, there are notifications of the government indicating that appointment should be routed through the School Service Commission. On the other hand, there is a notification of the District Inspector of Schools, Secondary Education, Darjeeling of 2018, that the process of recruitment of Headmasters through the School Service Commission was not made applicable to Gorkhaland Territorial Administration areas and the teachers in-charge, who possess requisite qualification and had been serving for more than 15 to 20 years, should be appointed as Headmasters.

This anomaly can be resolved by the Principal Secretary, Education Department, Government of West Bengal by deciding this matter and by coming up with a proper policy. A reasoned order shall be passed and communicated. A representative of the petitioner, a representative of the Education Department Gorkhaland

Territorial Administration, the District Inspector of Schools Secondary Education, Gorkhaland Territorial Administration and a representative of the School Service Commission shall be heard while deciding the matter.

The entire exercise shall be completed within a period of four months from the date of receipt of the petitioner's representation.

Accordingly, the writ petition is disposed of.

However, there shall be no order as to costs.

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

(Shampa Sarkar, J.)