

21.03.2024
Court No. 13
Item No. 196
pk

WPA 724 of 2024

Nahida Nashrin Sarkar
Vs.
The State of West Bengal and Ors.

Mr. Dipankar Mandal,
Ms. Tapati Sarkar

.... For the Petitioner.

Mr. Sarwar Jahan,
Sk. Nayeemul Haque

.... For the D.P.S.C., Murshidabad.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

... For the State.

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is aggrieved by an order dated 15.12.2023 issued by the DPSC, Murshidabad. The petitioner's candidature for the post of head teacher was declined for the said year on the ground that the petitioner did not join Charbagan Primary School as head teacher in the year 2018 despite being offered.
3. It is submitted by counsel for the petitioner that her client was suffering from ill health and the school is distant and located near the international border.
4. This Court is of the view that the primary ground of the petitioner's refusal to join in the year 2018 was the distance and the poor communication of the border area.

5. This Court, however, notices that such schools are in fact run by the State and have sufficient students, who have been deprived of a head teacher.

6. This Court sees no infirmity in the order-in-question.

7. Mr. Jahan, learned advocate for the DPSC, Murshidabad, however, submits that since options from the assistant teachers are invited in every year to take up the post of head teacher, the petitioner could be allowed even in the current year. The existing panel of schools requiring head teachers have been exhausted except for three schools where no head teacher has opted in a circle.

8. Having regards to the facts and circumstances of the case and given the fairness of the submissions made on behalf of the DPSC, Murshidabad, this Court is of the view that the petitioner may not be allowed to exercise any option to the post of head teacher until the year 2025.

9. If upon exercising option in the year 2025 and being directed to join any particular school, the petitioner refuses again, she shall not be entitled to join to the post of head teacher at any point of time in future.

10. The writ petition is disposed of.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)