

20.06.2024.
Court No.13
Item No. 36
ap

W.P.A. No. 15509 of 2024
Priyanka Roy Das
Versus
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das.

...For the petitioner.

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal.

...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner was recruited by the respondent no.4 on 1st July, 2024, given the number of student in the School.
3. The respondent no.4 is a Private Educational Institution whose Teachers only get the Dearness Allowance component from the State. The rest of salary is paid by the School itself.
4. A permanent vacancy arose in the School on 30th April, 2022 upon retirement of an approved teacher, namely, one Smt. Sarbani Choudhury. The School wrote to the District Inspector of Schools (PE), Kolkata for approval of the appointment of the writ petitioner with effect from 1st May, 2022.
5. The District Inspector of Schools (PE), Kolkata has forwarded the application to the Commissioner of School Education, West Bengal.

6. Admittedly, there are no Recruitment Rules for D.A. getting Primary Schools in the State. The Rules being Memo No. 1691-SE(S)/4A-53/2001 dated 20th September, 2001 applicable to the Secondary Schools appeared to be applicable to such Primary Schools.

7. This Court sees that the Rules dated 20th September, 2001 (supra) appear to have been substantially followed by the respondent no.4 since approval of the petitioner is sought only upon another duly approved teacher retiring.

8. In that view of the matter, the District Inspector of Schools (PE), Kolkata shall take a decision in the matter and convey the approval if all the procedures have been complied with by the respondent no.4/School.

9. Let a decision be taken within a period of two months from the date of communication of a copy of this order and communicate to the School forthwith thereafter.

10. With the aforesaid directions, the instant writ petition shall stand 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.)

