

01.04.2024
(S/L-29)
Ct.-18
(P. Jana)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 16300 of 2023

Gopal Mandal

-Vs-

The State of West Bengal & Ors.

Mr. Syed Shamsul Arefin, For the Petitioner.

Mr. Supriyo Chattopadhyay, AGP.
Ms. Sayantanee Bhattacharjee, For the State.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The Managing Committee of the N.D. Rashtriya Vidyalaya (H.S.), District: Burdwan, a Government Aided School, had appointed the petitioner on February 07, 2009 to look after the computers and to teach the students in the school accordingly.

The petitioner is praying for regularization of his said service.

Mr. Arefin, learned counsel for the petitioner, relying the decision in the case of **SECRETARY, STATE OF KARNATAKA AND OTHERS vs. UMADEVI (3) AND OTHERS** reported in **(2006) 4 Supreme Court Cases 1** submits that the petitioner is entitled to be absorbed as a regular teacher of the school.

Mr. Chattopadhyay, learned Additional Government Pleader, submits that the appointment of the petitioner was made after the West Bengal Central School Service Commission Act, 1997 came into force, therefore, his appointment was wholly illegal.

The petitioner's appointment was made by the Managing Committee of the school on contractual basis and that too after a separate channel of appointment of the

teachers in the government-aided school has been made through the West Bengal Central School Service Commission therefore, the entry of the petitioner in the said service was definitely illegal as such the ratio of law decided in the case of **UMADEVI (supra)** is of no help to him.

For the aforementioned reason, WPA 16300 of 2023 is **dismissed** without any order as to costs.

Parties to act on the server of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)