

DL - 06
12.09.2024
Ct No. 18
S.D

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 18218 of 2024

Selina Yeasmin
Vs.
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriiti Saha
... for the petitioner.

Mr. Asish Kumar Guha
Mr. Rajendra Chaturvedi
.....for the State respondents.

Mr. Anjan Bhattacharya
Ms. Anita Shaw
.....for the School Authorities.

Affidavit-in-reply filed on behalf of the
petitioner today is taken on record.

Mr. Firdous Samim, learned advocate
representing the petitioner submits that pursuant
to the order dated 22nd July, 2024, petitioner was
permitted to participate in B.Ed. 1st Semester
Regular Examination. At present the petitioner is
undergoing B.Ed course on being deputed by the
School Authority of Shyamlalpara Tiorpara
Brahmangram (S.T.B) High School (H.S), District –
Malda(hereinafter referred to as the “said school”)
and the District Inspector of Schools(S.E), Malda.

On behalf of the petitioner it has been submitted that the petitioner was appointed as an Assistant Teacher in Bengali on 19th December, 2013. On the prayer of the petitioner, she was permitted to take admission in B.Ed. course for the session 2023-2025 and the concerned District Inspector of Schools (S.E) was requested to counter-sign the relevant documents of the petitioner with regard to admission in the said course. A certificate was issued by the Headmaster of the said school on 28th March, 2024 and on 30th March, 2024 a letter was issued for counter-signature by the District Inspector of Schools at the instance of the Headmaster. On the request being made by the said school authority, the D.I of Schools counter-signed the filled-in application form for admission in B.Ed course on 3rd April, 2024 and the petitioner was permitted to undergo B.Ed course on being deputed by the respondent authorities. The petitioner prays for direction upon the said school authority to issue release order in her favour in connection with undergoing B.Ed. course being deputed by the Authorities.

The State respondents and the said school Authority are represented by the learned advocates.

Mr. Anjan Bhattacharjee, learned advocate

representing the said school authority has opposed the said prayer of the petitioner seeking release order from the school authority since petitioner previously acquired post-graduate qualification in History, though the petitioner is an Assistant Teacher in Bengali. In addition thereto, reliance is placed on a Government Circular dated 19th February, 1979 which is at page 24 of the affidavit-in-opposition filed on behalf of the said school authority.

According to the said school authority, petitioner is not required to undergo B.Ed. course since the petitioner has completed 10 years service as Assistant Teacher which would make her entitled to receive incremental benefits on being treated as trained teacher.

Having considered the respective submissions advanced on behalf of the parties, this court finds that the petitioner duly applied before the Headmaster of the said school for taking admission in B.Ed. course on deputation and the Headmaster of the said school by issuing certificate dated 28th March, 2024 and letter dated 30th March, 2024 took steps for having counter-signature of the concerned District Inspector of Schools(S.E) on the relevant documents of the petitioner relating to her

admission in B.Ed. course.

It is also stated in the letter dated 30th March, 2024 that the Managing Committee took resolution permitting the petitioner to take admission in B.Ed course and the resolution was enclosed to the letter dated 30th March, 2024 of the Headmaster of the said school. The said resolution is dated 27th July, 2023 which is at page 22 of the writ petition.

On being requested by the school authority, the concerned District Inspector of Schools (S.E) counter-signed the filled-in application form of the petitioner for her admission in B.Ed course for the session 2023-25 which ultimately permitted the petitioner to take admission. At present the petitioner is under-going B.Ed course and has appeared in 1st semester examination which was conducted by Baba Saheb Ambedkar Education University.

Attempt has been made on behalf of the said school authority to resist the prayer of the petitioner seeking issuance of release order on the strength of a government circular dated 19th February, 1979. On perusal of the said Circular, it appears that the same was applicable to the teachers who were in service on 1st April, 1975

whereas the petitioner was appointed as an Assistant Teacher on 19th December, 2013. Therefore, the said circular has no manner of application in the present case.

In view of the aforesaid scenario, the Headmaster of Shyamlalpara Tiorpara Brahmangram(S.T.B) High School(H.S), District-Malda being respondent no.7 is directed to issue release order in favour of the petitioner in connection with petitioner's admission in B.Ed course on deputation by seven days from the date of the communication of this order.

Hence, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)