

August 29, 2024
AD 2
Ct. 17
SG

WPA 19833 of 2024

Soumen Das
vs.
The State of West Bengal and others

Mr. Sunit Kumar Roy
... for the petitioner.

Mr. Supriya Chattopadhyay
Mr. Manoj Kumar Mondal
... for the State

Mr. Shamim Ul Bari
Ms. Jhilik Singha
Ms. Asmita Mitra
... for the intervenor

Learned counsel for the petitioner submits as follows. The petitioner is not the senior most teacher of the school viz Champagachi High School (H.S.) at Rajarhat, Kolkata. According to the order dated 06.05.2019 passed by the School Education Department for government sponsored/aided schools, both secondary and higher secondary, the AHM or the senior most teacher would be the SPIO while the Principal or the HM or the Teacher-in-Charge will be the appellate authority. In the school in question there is no principal or HM. The AHM is acting as Teacher-in-Charge and therefore, is the appellate authority. Hence, the senior most teacher viz Indrajit Porel should be given the job of the SPIO. However, the authorities have delegated this job to the

present petitioner, which he is not willing to take up as he is not senior most teacher of the school. The purported acceptance of the post of SPIO was under duress.

Learned counsel for the State denies the allegations made in the writ petition and submits that the seniority in a school would depend on the date on which a candidate joins that school as a teacher. If this is taken into account, then the petitioner is the senior most teacher of the school. In any event, a departmental proceeding has been initiated against the said Indrajit Porel. In fact, as would appear from the annexure at page 42 of the writ petition the petitioner had accepted the post and had written to the TIC in the capacity of the SPIO and senior AT of the said school. He cannot take a different stand now.

Learned counsel for the intervenor/the present TIC of the school submits that the petitioner had accepted the post of SPIO by letter dated 01.07.2024.

At this stage, learned counsel for the petitioner submits that a departmental proceeding is pending against the petitioner as well. He further submits that there was a representation made by the petitioner before the Commissioner of School Education in this regard. At present, the same may be considered by the concerned authority expeditiously.

It appears that a representation made by the petitioner to the Commissioner of School Education is pending consideration.

In view of the above, let the Commissioner of School Education/the respondent No.3 consider the representation of the petitioner in accordance with law and as expeditiously as possible, preferably within a period of four weeks from the date of communication of this order, upon hearing the petitioner and other relevant parties. Within a week thereafter the outcome of such consideration shall be intimated to the petitioner.

With these observations, the writ petition is disposed of.

It is clarified that the merits of the case have not been gone into.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

[Jay Sengupta, J.]