

**17.09.2024**  
Item No. 59  
Ct. No. 7  
PG

**W.P.A. 26097 of 2022**

**Jagannath Paul**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Soumen Dutta  
Mr. Sk. Sayan Uddin.....For the Petitioner

Mr. Biswabrata Basu Mallick  
Mr. Sayan Ganguly .....For the State

1. The order of the Chairman, North 24-Parganas District Primary School Council (for short 'DPSC') pursuant to the hearing held on July 22, 2022 is under challenge in this writ petition.
2. The petitioner claims to be working in Ramkrishna Vidyapith in the primary section with effect from 1977. Challenging the legality of the order dated June 21, 2005 passed by a coordinate Bench in C.O. No. 313(W) of 1996 and C.O. No. 314(W) of 1996, the petitioner along with one Mira Seal and Uma Nath (nee Basak) preferred two intra-Court appeals being F.M.A. 184 of 2009 and F.M.A. 178 of 2009. The Hon'ble Division Bench by an order dated March 18, 2014 disposed of the aforesaid appeals by directing the DPSC to take a decision in the matter duly considering the relaxation granted to Ramkrishna Mission vide G.O. dated September 15, 1975, which was withdrawn on January 18, 1978, before which

the petitioners had been appointed by the Ramkrishna Vidyapith.

3. Pursuant to the said order, the hearing was conducted by the Chairman, DPSC on July 22, 2022 and the prayer of the petitioner was not entertained on the ground that the Director of School Education, West Bengal (DSE) neither recommended nor approved the unapproved teachers on the basis of the inspection report. The said order of the DPSC is under challenge in this writ petition.
4. Mr. Dutta, learned advocate appearing for the petitioner submits that the Chairman, DPSC passed the order impugned without considering the issue in the light of the direction given by the Hon'ble Division Bench.
5. Mr. Basu Mallick, learned advocate appearing for the State submits that the DPSC, after considering the materials on record, did not entertain the prayer of the petitioner as the DSE neither recommended nor approved the unapproved teachers on the basis of the inspection report.
6. Heard the learned advocates for the parties and perused the materials placed.
7. It appears from the order of the Hon'ble Division Bench dated March 18, 2014 passed in F.M.A. 184 of 2009 heard analogously with F.M.A. 178 of 2009 that on the basis of a representation made by the

Ramkrishna Missionary against G.O. dated November 8, 1974, the same was modified by G.O. dated September 15, 1978 to the extent that the authorities of Ramkrishna Mission be permitted to appoint the teachers in schools managed by them from outside the approved panel of the respective municipal areas.

8. The Hon'ble Division Bench observed that Ramkrishna Missionaries were thus given autonomy in the matter of appointment subject to the condition that all teachers must have the requisite qualifications and experience etc., as prescribed by the Government from time to time.
9. The order of the Hon'ble Division Bench also took note that the said G.O. was withdrawn on January 18, 1978 vide GO No.84-Edn.(P) but before which the petitioners had been appointed by Ramkrishna Vidyapith.
10. The Hon'ble Division Bench further noted that representations were made before the District Inspector of Schools (Primary). After noticing the aforesaid fact, the Hon'ble Division Bench directed DPSC to take a decision in the matter duly considering the relaxation granted to Ramkrishna Mission vide G.O. dated September 15, 1975, which was withdrawn on January 18, 1978, before which the petitioners had been appointed by the Ramkrishna Vidyapith.

11. After going through the impugned order passed by the Chairman, DPSC, this Court finds that the directions contained in the order passed by the Hon'ble Division Bench on March 18, 2014 was not considered as the issue of relaxation granted to Ramkrishna Mission vide G.O. dated September 15, 1975, which was withdrawn on January 18, 1978 and before which the petitioners had been appointed by Ramkrishna Vidyapith does not appear to have been considered in the light of the observations made by the Hon'ble Division Bench.

12. This Court is, therefore of the considered view that the order of the Chairman, DPSC is liable to be set aside on that ground alone.

13. Accordingly, the order of the Chairman, DPSC pursuant to the hearing held on July 22, 2022 stands set aside and quashed.

14. The Chairman, DPSC, being the respondent no.4 is directed to consider the matter afresh strictly in the light of the observations made by the Hon'ble Division Bench in the order dated March 18, 2014 upon giving an opportunity of personal hearing to the petitioner, the school authority, DSE, being the respondent no.2 and/or any other authority, which the Chairman, DPSC may deem fit and proper and pass a reasoned order as expeditiously as possible, but positively on or before November 8, 2024.

15. With the above observations/directions, writ petition stands disposed of.
16. The parties will be at liberty to communicate this order to the respondent no.4 forthwith.
17. There shall be, however, no order as to costs.
18. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(Hiranmay Bhattacharyya, J.)**