

06.05.2024
Item No.16 ML
Court No.18
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 26518 of 2023

**Ms. Jaysree Hazra & Anr.
-Vs-
The State of West Bengal & Ors.**

Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra,
.....for the petitioners.

Mr. Supriyo Chattopadhyay, A.G.P.,
Mr. Arindam Ghosh.
.....for the State.

Mr. Kanailal Samanta.
.....for the respondent no.6.

The petitioner no.1 is a Mathematics Teacher and the petitioner no.2 is an English Teacher at Basudevpur Kanya Gurukul, District : Purba Medinipur, a minority institution run by Arya Samaj and is guided by the special Rules.

The District Inspector of Schools (S.E.), District : Purba Medinipur, the respondent no.3 herein by the impugned memorandum being Memo No.595-5 dated October 17, 2023 has rejected the prayer of the petitioners for approval of their appointments *inter alia* on the grounds that the petitioners have failed to produce the post sanctioning memoranda, original approval of appointments of other staffs of the school and that the appointments of the petitioners were in violation of G.O. No. 1105-SE/S/IS-26/2010(Pt.-III) dated September 20, 2016.

Mr. Panda, learned Advocate for the petitioners submits that the post sanctioning memos were produced before the respondent no. 3, besides the school is beyond the purview of the West Bengal Central School Service Commission Act, 1997, as such, the said Government Order dated September 20, 2016 has got no manner of application in respect of the school, therefore refusal to accord approval to the appointments of the petitioners is not sustainable.

Mr. Samanta, learned advocate for the School Authority, the respondent no.6 herein submits that all relevant documents were produced before the respondent no.3, the memos of approval of appointment of other employees of the school are not relevant to accord approval of appointment of the petitioners, however those documents are in the custody of the respective employees, as such the School authority is not in a position to produce the same before the said respondent.

Be that as it may, Mr. Panda and Mr. Samanta jointly submit that they can produce all relevant documents once again enabling the respondent no.3 to revisit his decision regarding the prayer of the petitioners.

The impugned memorandum is set aside. The respondent no.3, within a period of eight weeks from the date of communication of this order, is directed

to re-consider the prayer of the petitioners, after giving them and the School Authority an opportunity of hearing.

The petitioner and the School Authority are obliged to produce all relevant documents before the respondent no.3 at the time of hearing.

WPA 26518 of 2023 is disposed of with the above terms without any order as to costs.

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.)