

W.P.A. 27445 of 2023
Debabrata Chanda
Vs.
The State of West Bengal & Ors.

Mr. Bibekananda Tripathy,
Mr. Kaustav Chatterjee ... For the petitioner.

Mr. Supriyo Chattopadhyay, AGP,
Mr. Sabyasachi Mondal ... For the State.

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

The petitioner was appointed as an Assistant Teacher of English subject in Gadamathura Haripriya High School (H.S.), District – 24 Parganas (South). Thereafter on the recommendation of the West Bengal Central School Service Commission, the West Bengal Board of Secondary Education appointed him as the Headmaster of Uttar Kasiabad Srikrishna Chaitanya Madhyamik Vidyalaya of the same district.

He joined the said school on lien for one year, but his appointment in the post of the said Headmaster was not approved on the ground that his Post Graduate Degree and B. Ed. Degree are no valid, he however returned to his original school and rejoined there as an Assistant Teacher.

The petitioner had filed a writ petition being W.P.A. 5385 of 2022 praying release of his salary for the period he had served as Headmaster in the other school.

The said writ petition was disposed of by directing the District Inspector of Schools (S.E.), District – 24 Parganas (South), the respondent no. 5 herein to consider the said prayer of the petitioner.

The said respondent by the impugned memo bearing No. L.C. - 895 dated November 10, 2023 has rejected the said prayer of the petitioner holding that since the appointment petitioner as a

Headmaster was not approved he is not entitled to the relief as prayed for.

Mr. Tripathy, learned advocate for the petitioner submits that the appointment of the petitioner as a Headmaster was not approved but admittedly he has served the school for the period for which he is entitled to salary at least as an Assistant Teacher of the said school.

Mr. Chattopadhyay, learned AGP, promptly reacts to the said submission of Mr. Tripathy and submits that the prayer of the petitioner is highly speculative inasmuch as the petitioner cannot be treated as Assistant Teacher by default without considering the staff pattern of the school.

Having heard the learned counsel for the parties and going through the materials on record, this Court is of the opinion that the consequence to the refusal to accord approval of the appointment of the petitioner as the Headmaster of the said school affects his status as the teacher of the said school as such he is not entitled to any benefit of any service rendered by him in the said school in the capacity of such Headmaster.

However, it is made clear that the period during which he served in the said school as a Headmaster shall not be construed as break in his service even though his appointment in the said post was not approved.

WPA 27445 of 2023 therefore is devoid of any merit and is dismissed without any order as to costs.

Parties to act on the server copy of this order 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.)

