

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 932 of 2024

**Ananta Kumar Saha
-versus
The State of West Bengal & Anr.**

Mr. Ekramul Bari,
Mr. Sk. Imtiaj Uddin

....for the petitioner.

Mr. Pretom Das,
Mr. Sourav Sarkar

....for the respondent nos.1 & 3.

Mr. Debajit Kundu

....for the respondent no.4.

The petitioner says that he was appointed as a Teacher in Lahugach High Madrasah, P.O. Bidhannagar, District – Darjeeling (hereinafter referred to as the said Madrasah) when it was a Junior High Madrasah. The petitioner functioned as the Teacher-in-Charge of the said Junior High Madrasah with all requisite qualifications and the approval of the District Inspector of Schools (S.E.), Siliguri. Subsequently, the said Junior High Madrasah was upgraded as High Madrasah from 2014 for that academic session and in 2015 provisionally for 3 years.

The petitioner says that in terms of the prevailing rules and circulars, a Teacher-in-Charge of a Junior High Madrasah on the same being upgraded is entitled

to be appointed as the Headmaster of the High Madrasah subject to having the requisite qualification and experience to be so appointed. Even if there is some shortfall in the academic qualification, the said Teacher-in-Charge is given a 3 years' time period to obtain the requisite qualification. In Lahugach High Madrasah the post of the Headmaster has been vacant ever since being upgraded. The petitioner, therefore, ought to have been appointed as the Headmaster of Lahugach High Madrasah as he has all requisite qualifications and experience.

The petitioner further says that despite making repeated representations, the District Inspector of Schools (S.E.), Siliguri has maintained stoic silence in the matter. In the process, the petitioner is deprived of his career advancement as also to other benefits though he has become entitled for the same. A representation dated 1st April, 2024 made to the District Inspector of Schools (S.E.), Siliguri, Darjeeling, is annexed to the writ petition without the attachments thereto at page 26 of the writ petition. From the seal appended to the said representation, it appears that the office of the District Inspector of Schools (S.E.), Siliguri has received the same on 1st April, 2024.

In the aforesaid facts and circumstances, I direct the District Inspector of Schools (Secondary Education), Siliguri, Darjeeling, being the respondent no.3 in the

instant writ petition to dispose of the petitioner's representation dated 1st April, 2024 within a period of eight weeks from the date of communication of a server copy of this order without insisting upon production of a certified copy thereof.

The respondent no.3 shall give the petitioner a personal hearing and consider all the documents that may be placed before him by the petitioner for his consideration. The respondent no.3 shall pass a reasoned order and shall communicate the same to the petitioner immediately upon the same being passed.

If the respondent no.3 finds that the petitioner is entitled to be appointed as the Headmaster of Lahugach High Madrasah, he shall take all necessary steps so that the petitioner can be given appointment as expeditiously as possible.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly.

Since I have not called for any affidavits, allegations contained in this writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Arindam Mukherjee, J.)