

26.09.2024
Court No. 2
Sl. No.63
KB

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

**W.P.A 1276 of 2024
with
IA No.CAN 1 of 2024**

**Tanushree Barman Roy
-versus
The State of West Bengal & Ors.**

**Mr. Ekramul Bari
Sk. Imtiaj Uddin
Ms. Rinka Chakraborty
... For the petitioner.**

**Mr. Nabankur Paul
Mr. Sourav Sarkar
... For the State.**

**Mr. Subhasish Misra
... For the applicant.**

The petitioner seeks regularization in a teaching post in Jnadwip Handicapped School and Training Centre, Cooch Behar. She claims that she is in service of the school since 2007. Her appointment letter dated 15th March, 2007 is annexed at page 16 of the writ petition.

The school was sponsored by the State Government in the year 2009. Nineteen teaching and non-teaching posts were sanctioned. One of the three assistant teachers working in the Hearing Impaired Section left the school on 7th February, 2011 and the

Managing Committee of the school terminated his service with effect from 18th February, 2013 and proposed inclusion of the name of the writ petitioner as Assistant Teacher in the said Section in the vacancy created on termination of the said Subodh Chandra Datta.

The petitioner submits that all teachers of the said school have been approved in the year 2022 barring the petitioner.

Prayer has been made to regularize her service.

An application for intervention has been filed by one Archana Rani Paul who claims that she had been appointed in the said school in the year 2006 and served as a Senior Assistant Teacher. The joining letter of the applicant dated 1st November, 2006 is annexed at page 7 of the application for intervention.

The applicant submits that as a vacancy has been created in the year 2013, her claim for regularization should also been considered.

The District Mass Education Extension Officer, Cooch Behar has filed a report in the form of an affidavit disclosing that on scrutiny of the papers submitted by the school it has been found that no information has been submitted to the Director, Mass Education Extension regarding creation of vacancy and the necessity to fill up the post. Though the resolution of the Managing Committee dated 25th June, 2014 to

recommend the name of the petitioner for regularization in the vacancy that was created was forwarded in the year 2014 but prior information of creation of vacancy followed by the termination of the said Subodh Chandra Datta in the year 2013 and the necessity to fill up the post has not been submitted to the Director. No clearance has also been sought for in terms of Norm No. 7 of Order No. 883-Edn(MEE) dated 13th September, 1996.

According to the respondent authority, no right for absorption has accrued in favour of the petitioner.

I have heard the submissions made on behalf of all the parties and have perused the materials placed before this Court.

It appears that there are two rival claimants for regularization/absorption in the vacancy created way back in the year 2011/2013. The vacancy ought to be filled up in accordance with law.

The Managing Committee of the Jnadvip Handicapped School and Training Centre, Cooch Behar is directed to take necessary steps in accordance with law for filling up the vacancy in question.

The school authority shall intimate all steps that will be taken to the District Mass Education Extension Officer, Cooch Behar in this regard.

If the authority concludes that both the applicants are serving in the school for a considerable

period of time, then the said authority shall consider relaxation of age of both the applicants at the time of filling up the vacancy in question.

Final decision shall be taken by the Director of Mass Education Extension in accordance with law at the earliest.

The writ petition and the connected application stand disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of usual legal formalities.

(Amrita Sinha, J.)