

26.09.2024
Court No. 2
Sl. No.36
KB

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

W.P.A 2051 of 2024

**Ajay Pradhan
-versus
Gorkhaland Territorial Administration Council
& Ors.**

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

**Mr. Nabankur Paul
Mr. Sandip Guha Roy
... For the State.**

The reasoned order passed by the District Inspector of Schools, Secondary Education, Gorkhaland Territorial Administration, Darjeeling is impugned in the instant writ petition.

The claim of the petitioner for regularisation of service on permanent basis in terms of the order passed on 15th September, 2020 by a coordinate Bench of this Court in WPA 6797 of 2020 could not be disposed of as the District Inspector of Schools was of the view that Memo being No.756/SE(S)-10M-64/15 dated 14th August, 2015 of the Joint Secretary to the Government of West Bengal was standing in the way.

Learned advocate representing the petitioner relies upon the judgment passed by the Hon'ble Division Bench of this Court in ***MAT 170 of 2023 (The Gorkhaland Territorial Administration & Ors. Vs. Thinley Bhutia & Ors.)*** in support of the submission that the Hon'ble Division Bench was pleased to direct approval of appointment of the petitioner contingent upon fulfilment of eligibility criteria and following established procedural protocol.

Relying upon the judgment in *Thinley Bhutia & Ors. (supra)* another Hon'ble Division Bench passed judgment on 13th September, 2024 in ***MAT 203 of 2023 with CAN 2 of 2024 (The Gorkhaland Territorial Administration & Anr. Vs. Ajay Kumar Kharka)***.

The petitioner was engaged in the year 2013. The claim for regularisation could not be disposed of conclusively in view of the memo dated 14th August, 2015 as referred to hereinabove.

Learned advocate representing the State respondents submits that the State does not have any role to play in the matter and Gorkhaland Territorial Administration can deal the issue independently.

Learned advocate representing the Gorkhaland Territorial Administration submits that approval of appointment can be granted only if the petitioner fulfils the eligibility criteria and provided there is a regular

sanctioned vacancy where the petitioner will be approved.

Upon hearing the submissions made on behalf of all the parties and on perusal of the documents placed before this Court, the instant writ petition is disposed of by setting aside the impugned order and directing the Executive Director, Education Department, Gorkhaland Territorial Administration to take a decision on the prayer of the petitioner for regularisation of service provided the petitioner fulfils the criteria for being appointed as Group-‘D’ staff of the school.

The aforesaid respondent shall ascertain as to whether the prescribed rules were followed at the time of engagement and whether there is a regular sanctioned vacancy where the petitioner may be absorbed.

A decision shall be taken at the earliest but positively within a period of eight weeks from the date of communication of this order and the same shall be communicated to the petitioner immediately thereafter.

It will be open for the aforesaid respondent to consult the records of the school prior to passing a final order in the matter.

The writ petition stands 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.)