

OD-13

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/163/2021

MANJU PANDEY AND ANR
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date: 25th January, 2024.

Appearance :
Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.
For the Petitioners

The Court: The two writ petitioners have challenged the order of the District Inspector of Schools (Secondary Education), Kolkata/respondent No.3, dated 10/03/2021.

The brief fact as required to be mentioned here as regards the present case is that the petitioners have been working as Assistant Teachers and engaged in Balika Siksha Sadan, Kolkata, with effect from 12/12/2005 and 24/07/2007, respectively. Their services have been confirmed by the Managing Committee of the said school. Though however, the same have not been approved by the District Inspector of Schools (Secondary Education), Kolkata/respondent No.3. The writ petitioners case is that, they having been appointed for a sufficient period of time and qualified adequately, have prayed for their approval but disallowed. Three of them viz. the present two writ petitioners and another, namely, Smt. Rekha Agarwal together had

applied for approval before the respondent No.3/authority. Their prayers were considered and rejected vide one common order, that is, the impugned order dated 10.03.2021, by the respondent No.3.

All the three incumbents had preferred writ petitions before this Court, one of the same being the present one. Smt. Rekha Agarwal had preferred separate writ petition being WPO/205/2021.

Mr. Bhattacharya, learned Advocate, who is appearing for the writ petitioners, has handed over a copy of the judgment dated 08/08/2023, of a co-ordinate Bench of this Court, passed in the matter of said Smt. Rekha Agarwal (WPO/205/2021) and submits that the issues involved in the present case, as were also involved in the other writ petition being WPO/205/2021, have been dealt with by the co-ordinate Bench. Hence, the similar issues are now finally settled. He further submits that an order of the Principal Secretary of the School Education Department/respondent No.1 dated 5.10.2023 has already been issued in compliance with the order in WPO/205/2021 and the writ petitioner there, who is similarly placed as the present petitioners, has been granted the benefit of approval by the said respondent, in terms of the High Court's order as mentioned above. Copy of the said order dated 05/10/2023, has also been submitted in Court. Mr. Bhattacharya has emphasized that the present writ petition may also be disposed of in terms of the directions made by the co-ordinate Bench in WPO/205/2021.

Since it appears that the present two writ petitioners had moved before the authorities for approval along with the writ petitioner in WPO/205/2021 and had been subjected to similar fate of rejection of their

prayer vide the impugned order which applied to all three of them, the issues involved in the present writ petition would be similar as to those, as were involved in WPO/205/2021, preferred by the other person, namely, Rekha Agarwal. On perusal of the particular facts of the case, that the present petitioners were appointed as temporary teachers and were subsequently confirmed against the sanctioned vacancy, in terms of a government notification, there appears to be no scope for any doubt, that the present petitioners are similarly circumstanced, with the writ petitioner, in WPO/205/2021 and no differential treatment can be meted out to them. Accordingly, there would not be any harm in disposing of this writ petition in terms of the directions passed by the co-ordinate Bench in WPO/205/2021 vide the judgment dated 08.08.2023.

No one is appearing in this case, for the respondents. Hence, the submissions made on behalf of the writ petitioners remain uncontroverted.

On the discussions as above, the impugned order dated 10/03/2021, by the District Inspector of Schools (Secondary Education), Kolkata, is hereby set aside.

The Secretary, School Education Department, Government of West Bengal is directed to consider the case of the petitioners for approval of appointment, in the light of the judgment rendered in WPO/205/2021 and its own order dated 05/10/2023, as mentioned above.

Needless to say, in that event, the said respondent shall provide opportunity of hearing to the writ petitioners and pass a reasoned and speaking order within the purview of observations made here. The entire

exercise as above shall be completed by the said respondent, within a period of four weeks from the date of communication of copy of this order.

The Copy of the judgment in WPO/205/2021 and order of respondent No.1 dated 05/10/2023 be kept with the record.

The writ petition is disposed of.

(RAI CHATTOPADHYAY, J.)

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