

Form No. J(2)
Item No. ML / 310
Suwendu – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 2515 OF 2024

ASGAR ALI & ORS.

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	: Mr. Sobhan Majumdar Ms. Kalpita Paul
For the State	: Mr. Pinaki Dhole Ms. Tapati Samanta
For WBBSE	: Ms. Koyeli Bhattacharyya Mr. Bibek Datta
Heard On	: 05.08.2025
Judgment On	: 05.08.2025

SAUGATA BHATTACHARYYA, J.:

1. In the writ petition order of the Principal Secretary, School Education Department dated 19th September, 2023 is under challenge whereby prayer of the petitioners for releasing service benefits upon granting approval to them as organizing teachers was spurned.

2. Petitioners pray for setting aside of order dated 19th September, 2023 passed by the Principal Secretary, School Education Department with a direction upon State authorities to grant approval of appointment to the petitioners who are working in upgraded section of a recognized school.
3. During course of hearing, reliance is placed on the order of the Hon'ble Division Bench dated 3rd March, 2022 passed in two intra-court appeals, first one being **FMA 231 of 2012 (The State of West Bengal & Ors. Vs. Asgar Ali & Ors.)**. Vide order dated 3rd March, 2022, Principal Secretary was directed to decide the issue taking note of upgradation of school from 1st May, 2000. However, Principal Secretary has refused to grant approval of appointment to the petitioners being organizing teachers since it was found by the Principal Secretary that materials placed were not conclusive to draw a finding that petitioners rendered service in the school. It was not brought to the notice of the Hon'ble Division Bench delivering judgment in **Asgar Ali** (supra) that previously another Hon'ble Division Bench passed order dated 6th July, 2018 on an intra-court appeal being **MAT 1626 of 2017 [The District Inspector of Schools (Secondary Education), Burdwan & Ors. vs. Abdul Barik Shaikh & Ors.]**.
4. In paragraph 19 of the said order dated 6th July, 2018 it was succinctly held by the Hon'ble Division Bench that any decision of a learned Judge or Judges, which runs counter to the *dicta* in **Manindra Nath Sinha & Ors. vs. State of West Bengal & Ors.**, reported in **(2006) 4 CHN 513, State of West Bengal & Ors. vs. Smritikana Maity**, reported in

(2008) 1 CHN 582, Headmistress, Garifa Arati Academy for Girls’ vs. Gita Banik, reported in **(2008) 1 CLJ 453** and **State of West Bengal & Ors. vs. Gopal Singh & Ors.**, reported in **(2008) 1 WBLR (Cal) 229**, is not good law.

5. The fact which was considered in **Abdul Barik Shaikh (supra)** is akin to the fact involved in the instant case.
6. Petitioners were appointed as organizing teachers in upgraded section (Classes IX and X) and have prayed for approval after upgradation of the school on and from 1st May, 2000. Therefore, this Court finds ratio of **Abdul Barik Shaikh (supra)** is applicable in the present case.
7. In view of aforesaid discussion, no relief can be granted to the petitioners.
8. Writ petition stands dismissed.
9. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)