

Form No. J.(2)

Item No. DL/4

ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO.10366 OF 2025

WITH

CAN 1 OF 2025

ANKANA SUR ALIAS ANKANA DUTTA SUR & ANOTHER

Vs.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners/Applicants	: Mr. Dibyendu Chatterjee, Adv. Mr. Mainak Singha Barma, Adv. Ms. Satabdi Das, Adv. Ms. Sunanda Chatterjee, Adv.
For the State	: Mr. Supriyo Chattopadhyay, AGP Ms. Sayantanee Bhattacharjee, Adv.
For the W.B.B.S.E.	: Ms. Koyeli Bhattacharyya, Adv. Mr. Bibek Dutta, Adv.
For the School Authority	: Mr. Sunit Kumar Roy, Adv. Ms. Susmita Mondal, Adv.
Hearing concluded on	: 31.10.2025
Judgment On	: 31.10.2025

Saugata Bhattacharyya, J.:

1. Both the application being CAN 1 of 2025 and the connected writ petition are taken up together for consideration in presence of the learned advocates representing the parties.
2. Writ petition was filed seeking appointment of Administrator in Kasba Chittaranjan High School for Girls' (H.S.), Kolkata (hereinafter referred to as '*said school*') as according to the petitioners Managing Committee of the said school was not functioning properly.
3. In the application petitioners/applicants have questioned one e-mail letter dated 18th September, 2025 whereby said school authority decided to appoint one Nabamita Bhuiya as Teacher-in-Charge in place of petitioner no.1/applicant.
4. Learned advocate representing the petitioners has submitted that without following the due process of law abruptly petitioner no.1 was removed from the post of Teacher-in-Charge in the said school even though petitioner no.1 was appointed as Teacher-in-Charge *vide* memo dated 23rd August, 2024 issued by the District Inspector of Schools (S.E.), Kolkata being respondent no.3. Petitioner no.1 prays for cancellation of such e-mail letter dated 18th September, 2025 thereby permitting her to function as Teacher-in-Charge and appoint Administrator in the said school superseding the Managing Committee.

5. Prayer of the petitioner no.1 is resisted by Mr. Sunit Kumar Roy, learned advocate representing the said school authorities being respondent nos.4, 5 and 7. It is submitted that *vide* memo dated 23rd August, 2024 as a stopgap measure petitioner no.1 was appointed as Teacher-in-Charge in the said school and petitioner no.1 was not possessing requisite educational qualification for being appointed as Head of the Institution/Teacher-in-Charge. It is also submitted that *vide* e-mail letter dated 18th September, 2025 Managing Committee of the said school had communicated the decision to appoint another teacher as Teacher-in-Charge who possesses requisite educational qualification to function as Teacher-in-Charge removing the petitioner no.1.

6. Mr. Supriyo Chattopadhyay, learned Additional Government Pleader representing the State respondents has submitted that engagement of petitioner no.1 as Teacher-in-Charge *vide* memo dated 23rd August, 2024 was not permanent and as a stopgap measure steps had to be taken by the concerned State authorities to remove the administrative impasse which was continuing in the said school due to sudden transfer of the then Teacher-in-Charge to another school.

7. It is also submitted that in the meantime, more than one year has passed. Therefore, time has come when the said school authority should take necessary steps for appointment of Teacher-in-Charge possessing requisite experience and educational qualification in the said school, in accordance with law.

8. Having considered the respective submissions made on behalf of the parties, Court finds that under special circumstances and to remove administrative impasse which resulted in due to sudden transfer of the then Teacher-in-Charge of the said school to another school, petitioner no.1 had to be appointed as Teacher-in-Charge and it is submitted on behalf of the petitioner no.1 that at the material point of time teachers working in the said school were not willing to be engaged as Teacher-in-Charge.

9. Memo dated 23rd August, 2024 issued by the respondent no.3 also goes to show that it is not a formal appointment of Teacher-in-Charge and same is corroborated by the submissions made on behalf of the State respondents.

10. After appointment of petitioner no.1 as Teacher-in-Charge *vide* memo dated 23rd August, 2024 more than one year has passed. Therefore, Court finds it apt to direct the Commissioner of School Education being respondent no.2 to consider the issue of appointment of Teacher-in-Charge in the said school after hearing the present Teacher-in-Charge, petitioner no.1, said school authority and respondent no.3 or their representatives. A reasoned order shall be passed by the respondent no.2 within six (6) weeks from the date of communication of this order. While deciding the issue of appointment of Teacher-in-Charge in the said school respondent no.2 shall follow the relevant norms relating to experience and educational qualification.

11. It needs to be observed that a candidate having requisite experience and educational qualification to man the post of Headmaster/ Headmistress in a school needs to be appointed as Teacher-in-Charge in the said school.
12. Till the decision to be taken by the respondent no.2 with regard to appointment of Teacher-in-Charge, *status quo* with regard to the administration of the school in question shall continue.
13. With the aforesaid directions and observations, writ petition along with the application being CAN 1 of 2025 stand disposed of.
14. Urgent photostat certified copy of the order, if applied for, be given to the parties upon usual undertakings.

(Saugata Bhattacharyya, J.)