

08.12.2025.
Item No. 7.
Court No. 13
ap

(Assigned)
M.A.T. No. 1521 of 2025
With
I.A. No. CAN 1 of 2025
And
I.A. No. CAN 2 of 2025
Ashok Kumar Sarkar
Versus
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharjee, ld. Sr. Advocate,
Mr. Rezaul Hossain,
Mr. Pervez Hossain,
Mr. A. Saha.

...For the appellant.

Mr. Swapan Kumar Dutta, ld. G.P.
Mr. Rajat Datta,
Mr. Tapas Kumar Das.

...For the State.

Mr. Ekramul Bari,
Mr. Nirupam Dhali.

...For the respondent nos.8 to 10.

Mrs. Koyeli Bhattacharyya,
Mr. Bibek Dutta.

...For the WBBSE.

1. Affidavit-of-service filed in Court today is taken on record.
2. The subject appeal is directed against the order dated 2nd September, 2025 passed by a learned Single Judge of this Court in W.P.A 3213 of 2025.
3. The grievance of the petitioner/appellant was that he was the senior-most teacher in the School. Upon superannuation of the regular Headmaster, the private respondent was appointed as Teacher-in-charge, who was below in the rank of seniority to the petitioner.

4. The learned Single Judge of this Court found that there are no Rules prescribed by the State for appointment of a Teacher-in-charge.

5. It is a matter of practice that the senior-most teacher is appointed. The procedure generally adopted is Seniority-cum-Merit. The School Management was duly represented before the Single Judge and had stated that there were certain allegations against the petitioner made by several girl students. There are other omissions and commissions alleged against the petitioner by a section of student and parents.

6. Learned Counsel appearing on behalf of the appellant has filed CAN 2 of 2025 to bring on record the additional evidence to disprove the allegations made by the student. An attempt was also made to demonstrate before this Court that the complaint against the writ petitioner/appellant was engineered to ensure that the appellant is not appointed as Teacher-in-charge and the private respondent gets preference for the post.

7. Even assuming for the sake of argument that none of the allegations against the appellant are true or correct, the Management of the School is always at liberty to appoint any person other than the senior-most teacher as Teacher-in-charge. Such post is only a stop gap arrangement, it cannot confer any superiority on the person appointed or inferiority on the person deprived of such position.

8. Having regard to the aforesaid discussions, this Court is of the view that the impugned order calls for no interference.

9. The allegations made against the writ petitioner/appellant have not been countenanced by this Court. The Management and/or writ petitioner/appellant shall be at liberty to take appropriate steps in law with regard to the said allegations made against him.

10. It is submitted by Mr. Swapan Kumar Dutta, learned Government Pleader representing the State that since after the impugned order was passed, the appointment of the private respondent as Teacher-in-charge has been approved by the District Inspector of Schools (SE), Uttar Dinajpur.

11. With the aforesaid observations, M.A.T. 1521 of 2025 must fail and is hereby dismissed.

12. In view of dismissal of the appeal itself, all the connected applications are dismissed.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)