

20.02.2025  
Item No.5  
PG/KS  
Ct. No.1

**W.P.A. 10184 of 2020**  
**With**  
**I.A. No. CAN 1 of 2022**  
**+**  
**CAN 2 of 2022**  
**Sandip Konar**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Shuvro Prokash Lahiri  
Ms. Ankita Dey

.....For the Petitioner

Mr. Md. T. M. Siddiqui, Ld. A.G.P.  
Mr. N. Chatterjee  
Mr. S. Adak

.....For the State

Ms. Gopa Biswas  
Ms. Sampriiti Saha

.....For the Applicants  
in CAN 1 of 2022 & CAN 2 of 2022

1. This writ petition has been filed as a public interest litigation for a direction upon the respondent authorities to rationalize the allocation of teaching staff by equally distributing teachers in accordance with approved staff pattern in respect of schools lacking adequate number of permanent teachers while there is unusual concentration of excess teachers in the nearby schools so that the prejudice caused to the students can be alleviated.
2. The matter was heard on several dates and directions were issued and in one such direction, the learned advocate appearing for the petitioner was directed to discuss with the then learned Advocate General to come forward with the guidelines so that the rationalization

can take place and the surplus teachers can be deployed to the needy schools.

3. The learned advocates submitted that he has given his draft proposal and discussed the matter with the then learned Advocate General and ultimately, a Notification has been issued by the Government of West Bengal, School Education Department, Secondary Branch dated 10<sup>th</sup> February, 2023, which is a policy for rationalization of teachers working in recognized non-Government Aided/Sponsored Secondary School in the State.
4. In paragraph 3 of the said Notification it has been stated that while allocating teachers from schools having surplus teachers, endeavour may be taken to allocate them within the district, where he/she presently working to a school having less subject/subject group teachers or adverse PTR in the same district. However, the guidelines states that if no matches available at district level, then such teachers may be placed at region level so on and so forth. Due care should be taken in regard to medium of instruction of schools and teacher to be placed. Male teachers cannot be placed in girl's schools. The policy also stipulates other conditions, which are required to be followed.
5. The endeavour of the petitioner is that a school should not be shut down for want of teachers and it is submitted that the 6<sup>th</sup> respondent and 7<sup>th</sup> respondent/schools are in the verge of shut down on account of dearth of teachers,

whereas the 8<sup>th</sup> respondent/school has got excess teachers.

6. The learned Government counsel does not have any specific written instruction in this regard.
7. Be that as it may, now that the Government of West Bengal has issued a Notification dated 10<sup>th</sup> February, 2023 bringing out a policy for rationalization of teachers, we direct the respondents to adhere to the Notification dated 10<sup>th</sup> February, 2023 and to rationalize the teachers working in recognized non-Government aided/sponsored schools in the State and in particular with regard to the 6<sup>th</sup> respondent and 7<sup>th</sup> respondents/schools. Though, the policy of rationalization to be implemented throughout the State may take sometime, the respondent authorities are directed to give top priority to the 6<sup>th</sup> and 7<sup>th</sup> respondents/schools, wherein it is alleged that the schools are on the verge of being shut down on account of dearth of teachers.
8. The appropriate authority of the respondent/department shall do the needful in the matter at the earliest preferably within a period of four weeks from the date of receipt of server copy of this order.
9. With the above observations/directions, writ petition stands disposed of.
10. Needless to state that once the teachers' strength has been filled up, the teachers including the Headmaster should convince the parents of the locality to send back

their children to the school so that their education does not get hampered.

11.No costs.

12.Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

**(T.S SIVAGNANAM)**  
**CHIEF JUSTICE**

**(CHAITALI CHATTERJEE (DAS), J.)**