

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 2511 of 2024

Sarmistha Das (Saha)

-vs-

The State of West Bengal & Ors.

For the Petitioner : Mr. Pradip Kumar Saha
(Husband of the petitioner in-person)

For the State : Mr. Nabankur Paul
: Ms. Rima Sarkar

For the respondent nos. 5 & 6 : Mr. Uday Sankar Sarkar
Mr. Biplab Kumar Sengupta

Heard on : 21.07.2025

Judgment on : 21.07.2025

SAUGATA BHATTACHARYYA, J.:

1) Writ petition is heard at length in presence of learned advocates representing the authorities of Patharghata High School (HS), Darjeeling (hereinafter referred to as "said school") and State respondents. However, Sri Pradip Kumar

Saha, husband of the petitioner appears in-person and has made his submission.

2) In the writ petition petitioner has prayed for issuance of mandamus for giving effect to recast panel where petitioner's position was upgraded from third to first in connection with an interview held on 5th February, 1997 for appointment of Assistant Teacher in Bio Science in said school. The issue has got chequered history and petitioner preferred one after another writ petitions in pursuit of being appointed as Assistant Teacher in Bio Science in said school. Previously in contempt proceeding being WPCRC 28553 of 2006 in connection with WPA 9581 of 2003 said school authority upgraded the position of the petitioner in the panel from third to first upon recognition of petitioner's B.Ed. degree which was found to be valid. While disposing of the contempt application, it was recorded in the order dated 19th April, 2024 that the panel was forwarded to the District Inspector of Schools (SE), Siliguri on 27th February, 2024 and same was received by the Office of the District Inspector of Schools on 1st March, 2024. However, fact remains till date panel has not been approved by the District Inspector of Schools (SE), Siliguri.

3) Two consecutive reports have been filed, one dated 21st March, 2025 and last one dated 16th July, 2025. On

perusal of said two reports what is striking is inability of the petitioner to write Bengali as admitted by her vide letter which is at page 32 of the report filed by the District Inspector of Schools (SE), Siliguri in the form of affidavit affirmed on 2nd April, 2024. District Inspector of Schools (SE), Siliguri has pointed out in both the reports that in terms of Government notification dated 21st September, 2007 a candidate willing to be appointed as teacher in any school or madrasah having Bengali or English or Hindi and so on as medium of instruction must have Bengali or English or Hindi and so on, as the case may be, as first or second or third language at any of secondary or higher secondary or graduation level.

4) From the letter which is at page 32 of the report filed by the District Inspector of Schools (SE), Siliguri in the form of affidavit affirmed on 2nd April, 2024, it transpires that petitioner passed All India Secondary School Examination in 1982 and all India Senior School Certificate Examination in 1984 from Central School under Central Board of Secondary Education and had taken Hindi as a core language and passed B.Sc. and B.Ed. examinations in English medium. Therefore, it appears that at no point of time petitioner studied Bengali as required under notification dated 21st September, 2007 which is pointed out by the concerned

District Inspector of Schools in the reports referred to above. Said school is a Bengali medium school and petitioner is a teacher of Bio-Science. If petitioner cannot write Bengali it will be hardly possible for her to impart lesson of Bio-Science in Bengali. In this regard, reliance is placed on the letter of the petitioner which is at page 32 of the report referred to above wherein petitioner admitted it is not easy for her to teach in Bengali as she cannot write Bengali properly.

5) It is true that notification which was relied upon by the concerned District Inspector of Schools is dated 21st September, 2007 and interview for the post in question took place on 5th February, 1997. Therefore straightway such notification dated 21st September, 2007 may not apply if such notification does not have retroactive operation. However, academic interest of the students is of paramount consideration. Considering the fact that said school is a Bengali medium school where petitioner is required to impart lesson in Bengali and taking note of her letter which is at page 32 of the report of District Inspector of Schools (SE), Siliguri, it appears that it is not possible to petitioner to impart lesson in Bengali in said school.

6) During course of hearing, nothing is submitted to dispute such letter excepting it is submitted on behalf of the

petitioner that this letter was issued in different context. However, on perusal of said letter, it appears though she was selected for the post of Assistant Teacher in Balurghat Girl's High school but admitting her inability to write Bengali she refused to join the said post thereby requesting the Secretary of said school to withdraw the offer of appointment with intimation to the Secretary, West Bengal Central School Service Commission that petitioner is not suitable for the post.

7) Today, it is submitted on behalf of the petitioner that she is working in another school temporarily but in the affidavit accompanying the present writ petition such fact has not been disclosed and petitioner described herself as unemployed person.

8) In view of aforesaid consideration, no relief can be granted to the petitioner.

9) Writ petition is dismissed.

10) There shall be no order as to costs.

11) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

