

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

WPA 2484 of 2023

**Amanur Gani
-Vs.-
State of West Bengal and Ors.**

Mr. Ekromul Bari, Ld. Adv.
Mr. Sk. Intiaj Uddin, Ld. Adv.
Mrs. Rinku Chakraborty, Ld. Adv.
..... For the petitioner

Mr. Subir Kumar Saha, Ld. AGP
Mr. Nabankur Paul, Ld. Adv.
..... For the State

1. Petitioner is working as Teacher-in-Charge in Milangarh High Madrasah (H.S), Siliguri, Darjeeling since 30.01.2017 on the strength of an appointment letter of Secretary of said Madrasah issued vide Ref. No. M/No. 73 dated 27/01/2017. Said appointment was approved by District Inspector of Schools (Secondary Education), Siliguri and communicated to petitioner vide Memo No. 382/G/S dated 31.07.2017; attached with the application in appendix (P1).
2. Said Madrasah was provisionally recognized for 3 years on the report and recommendation of State Government conveyed under Education Department Memo No. 99-8E(S) dated 16.02.1996 vide Memo No.

1025/1(4) dated 07.03.1996 of Secretary, West Bengal Board of Madrasah Education.

3. Later, vide No. 1403 dated 29.12.2008 of West Bengal Board of Madrasah Education it was upgraded to a High Madrasah on the report and recommendation of State Government conveyed under Minortiy Affairs and Madrasah Education Department vide letter No. 1606 dated 20.11.2008.
4. Subsequently, introduction of higher secondary general stream courses in 2013-2014 session was provisionally given to the Madrasah for 3 months from the date of Recognition Memo on certain condition vide Memo DS(Aca)/Govt. Aided/0314/RECOG/2013 dated 22.08.2013 of West Bengal Council of Higher Secondary Education. Now, the Madrasah is upgraded to the higher secondary level since 2013 but is running without regular Head Master since 2017 as petitioner is working as Teacher-in-Charge.
5. In this regard, petitioner and School Authority made several representations to the District Inspector of School for granting necessary approval for the appointment of petitioner as Headmaster of the said Madrasah, in conformity with the Government Order, as annexed in the Annexure (P/2).
6. As per requirement of circular 302-Edn(S) dated 05.03.2001 and amended Government Order dated

21.09.2005, petitioner acquired necessary educational qualification. He is also a senior most teacher in the Madrasah and is discharging the duty as Teacher-in-Charge for more than 7 years. There is no vacancy existing in the Madrasah, as per existing staff pattern.

7. As such, petitioner has legitimate expectation for approval of his name to the post of Headmaster, but procrastinating attitude of respondent no.3 – District Inspector of Schools, entire process is stalled since long without any justifiable reason.
8. Due to inaction on the part of the respondent authority he preferred this writ application with a prayer to give direction to respondent authorities particularly to Respondent No.3, to take immediate steps to approve his name for his appointment to the post of Head Master of the said Madrasah in the interest of its better administration and for the ends of justice.
9. Learned Advocate for the respondents submits that petitioner filed this writ application only on the basis of his apprehension, as no order of State authority has been challenged therein. State did not pass any order till now. However, he agrees that State may be directed to take necessary steps for appointment of Headmaster in said Madrasah as the post is remain vacant since 2017.

10. Admittedly, the petitioner is working as a Teacher-in-Charge since 2017 and he fulfils all the requirements necessary for the appointment to the post of Headmaster. Several reminders were made to the respondent authorities. Inaction from their ends causes severe inconveniences to the institution, students, teachers and above all it is against the public policy.
11. Learned Advocate for the petitioner candidly submits that there is no order of stay or embargo in operation on appointment of Headmaster in said Madrasah.
12. He relied on the order passed on 27.02.2020 in connection with W.P.A. 425 of 2020 and on 15.05.2024 in connection with W.P.A 932 of 2024.
13. In view of the submissions made on behalf of the parties, the instant writ petition being no. W.P.A. 2484 of 2023 is disposed of, by directing the District Inspector of Schools, Siliguri, Darjeeling being the respondent no.3 in the instant writ petition to dispose of the petitioner's representation lawfully in the light of existing law, rule and government orders, if any, within a period of 08 weeks from the date of communication of the server copy of this order.
14. Respondent No.3 shall give the petitioner a personal hearing and consider all documents that may be

placed before him by the petitioner, for his consideration.

15. Respondent No.3 shall pass a reasoned order and shall communicate the same to the petitioner immediately, upon the same being passed.

16. If the respondent no.3 finds that the petitioner is entitled to be appointed as Headmaster of Milangarh High Madrasah (H.S.) he shall take all necessary steps so that the petitioner can be given appointment as expeditiously as possible.

17. Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly.

18. Since, I have not called for any affidavits, allegations contained in the writ petition are deemed to have not been admitted by the respondents.

19. Accordingly, the writ application being No. W.P.A. 2484 of 2023 is disposed of.

20. There is no order as to the cost.

21. Interim order, if any, stands vacated.

22. Urgent Photostat certified copy of this order, if applied for, be given to the parties, as expeditiously as possible, upon compliance with the necessary formalities in this regard.

(Uday Kumar, J.)