

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO No.881 of 2025

RAKESH KUMAR JOSHI
VS
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 11th December, 2025.

Appearance:
Mr. Anjan Bhattacharya, Adv.
...for the Petitioner.

Mr. Gourav Das, Adv.
...for the State.

1. The order passed by the District Inspector of Schools (S.E.), Kolkata dated 17th November, 2025 is impugned in the instant writ petition. It has been submitted that the aforesaid authority does not have the jurisdiction to pass the order impugned.
2. The petitioner relies on the order passed by this Court on 22nd April, 2025 in WPO No.409 of 2019 wherein the Court was pleased to direct the Commissioner of School Education to pass a reasoned order as regards the prayer of the petitioner for approval in service.
3. In the teeth of the order of this Court dated 22nd April, 2025 the District Inspector of Schools (S.E.), Kolkata could not have passed the impugned order.
4. The Commissioner of School Education took up the matter for consideration and thereafter forwarded the same to the District

Inspector of Schools (S.E.), Kolkata and the parties were directed to submit certain records at the time of hearing. The District Inspector of Schools (S.E.), Kolkata may act as a fact finding authority but the final order ought to have been passed by the Commissioner of School Education in compliance of the direction passed by the Court on 22nd April, 2025. It was absolutely improper for the District Inspector of Schools (S.E.), Kolkata to pass the impugned order.

5. In view of the above, the order impugned cannot be sustained in the eye of law. The District Inspector of Schools (S.E.), Kolkata is directed to forward all documents and facts before the Commissioner of School Education for arriving at a conclusive decision in the matter strictly in terms of the direction passed by the Court on 22nd April, 2025. The aforesaid exercise shall be concluded at the earliest, but positively within a period of eight weeks from the date of communication of this order.
6. The writ petition stands disposed of.
7. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)