M/L 8
05.10.2026
Court No.24
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 8803 of 2026

Dayanand Vidyalaya (HS) & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari, Sr. Adv.
Mr. Amrit Sinha
Mr. Aniruddha Tewari

... for the Petitioners.

Mr. Ranjan Kumar Sinha
Mr. Shaunak Ghosh

... for the State.

1. Affidavit of service filed in Court today be kept with the records.

2. The petitioner no. 1 claims to be a minority school represented by the petitioner nos. 2 and 3. The school intends to initiate recruitment process for appointment of five assistant teachers and one librarian.

3. There has been several communications by and between the petitioners and the respondent authorities including the District Inspector of Schools (SE), Paschim Bardhaman, the Commissioner of School Education, the Assistant Secretary, School Education Department, Government of West Bengal but no final decision on the petitioners' prayer has been taken till date.

4. Learned senior counsel representing the petitioners relies upon a bunch of communications by and between the School and the Additional Secretary to the Government of West Bengal, School Education

Department which took place after filing of the writ petition and the response thereto by the Assistant Secretary, School Education Department on July 21, 2026 requesting the Commissioner of School Education and the District Inspector of Schools to take necessary action in the matter.

5. It has been submitted that for want of teachers, the students of the school are suffering. It has become difficult to run the school without the teachers.

6. The notification dated February 3, 2016 published in the Kolkata Gazette Extraordinary on March 4, 2016 prescribing recruitment procedure for the Non-Government Aided (excluding DA getting) Recognized Institutions including Junior High Schools, High Schools and Higher Secondary Schools established and run by the minority community as per Article 30 of the Constitution of India has been placed.

7. It has been submitted that the State Government in the School Education Department, Government of West Bengal is the ultimate authority to take a decision with regard to the rules regulating the recruitment procedures and interpretation thereof.

8. Relying on the aforesaid Rules, prayer has been made to direct the Chief Secretary of the Department to take a decision on the petitioners' prayer.

9. Learned advocate representing the State respondents is yet to receive any instruction.

10. As it appears that the Assistant Secretary, School Education Department already issued a communication to the Commissioner of School Education on July 21, 2026 to take necessary action in the matter, accordingly, the Court finds it fit to direct the Commissioner of School Education to take a decision on the petitioners' prayer for recruitment of teachers and librarian in the subject school strictly in accordance with law at the earliest, but positively within a period of eight weeks from the date of communication of this order. A reasoned order shall be passed by the Commissioner.

11. An opportunity of hearing shall be provided to the petitioners for production of all documents in support of the minority status of the school.

12. Learned advocate for the petitioners is directed to forward all documents to the Commissioner of School Education in support of the prayer of the petitioners at the time of communicating the order of the Court.

13. The writ petition stands disposed of.

14. Parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.

15. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)