

In The High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Md. Shabbar Rashidi

F.M.A. 1117 of 2024

Banipada Das

vs.

The State of West Bengal & Ors.

For the Appellant : Mr. Ekramul Bari, Advocate
Sk. Imtiaz Uddin, Advocate

For the State : Mr. Dibasish Basu, Advocate
Ms. Sneha Dutta, Advocate
Mr. Purnendu Das, Advocate

For the
Respondent No.6 : Mr. Kumaresh Dalal, Advocate

Heard on : 24.06.2026

Judgment on : 24.06.2026

DEANGSU BASAK, J.:-

1. Affidavit-of-service filed in Court be taken on record.
2. Appeal is directed against the judgment and order dated April 24, 2024 passed by the learned Single Judge in WPCR 6 of 2008.

3. By the impugned judgment and order, learned Single Judge dismissed the writ petition of the appellant.
4. Learned advocate appearing for the appellant submits that, the appellant was granted appointment as science teacher on April 3, 1086 with the formal appointment letter being issued sometime in 1990. He submits that, the school was initially recommended in 1974 and was upgraded on March 15, 1993 with effect from May 1, 1991.
5. Learned advocate appearing for the appellant submits that, the learned Single Judge, erred in holding that, the appointment of the appellant was bad. He relies upon decisions of three coordinate Bench rendered in ***FMA 1497 of 2015 (State of West Bengal & Ors. Vs. Dinesh Chandra Karjee & Ors.)***, ***FMA 2089 of 2015 (Niranjan Sahoo @ Niranjan Sahoo & Anr.)***, ***FMA 992 of 2021 (Asit Ranjan Gayen & Ors. Vs. State of West Bengal & Ors.)*** and ***FMA 1946 of 2018 (The State of West Bengal & Ors. Vs. Mrinal Kanti Kumar & Ors.)***.
6. Learned advocate appearing for the appellant submits that, the decision of the coordinate Bench rendered in

Dinesh Chandra Karjee & Ors. (supra) was assailed before the Supreme Court in ***Civil Appeal No.2022 (Prabir Kumar Ghosh & Ors . vs. State of West Bengal & Ors.)***.

He submits that, the decision of coordinate Bench in ***Dinesh Chandra Karjee & Ors. (supra)*** was set aside by the Supreme Court in ***Prabir Kumar Ghosh & Ors. (supra)***.

7. State and the School Authority are represented.
8. The appellant before us is one of the organizing teachers of the school where he claims sanction of his appointment. The concerned school got recommendation as 2 Class junior high school with effect from January 1, 1979 by a Memo dated December 23, 1974. Appointment of three teachers in such school were approved with effect from January 1, 1974. The appellant is not one of those teachers.
9. The school was upgraded from 2 Class to 4 Class Junior High School with effect from May 1, 1991. Appointment of two teachers were approved with effect from December 1, 1993. The appellant is not one of those two teachers whose appointment was approved on the

upgradation of the school. Upgradation of the school to 4 Class Junior High School was subject to fulfilment of the school complying with additional conditions noted in the Memo dated March 15, 1993. In terms of such additional condition, a lady teacher was required to be appointed. However, school authority appointed the appellant to the post which was already filled up by an existing teacher.

10. The concerned school is government aided school. Staff pattern of a government aided school is laid down by the authorities. Under the existing rule admissible strength of the teaching staff in a 4 Class Junior High School is six (6). Group wise distribution is as follows:-

Language Group – 2

Science & Math. Group – 2 One pure Science and one Bio. Science

Social Science Group 2 One History and one Geography.

11. The educational qualification of the appellant is B. Sc (Pure). There was already one B.Sc (Pure) qualified teacher in the school on the date when the appellant was appointed.

Staff pattern as per existing rule is one pure science teacher. There is no scope for another pure science teacher to be appointed.

12. The appellant before us was appointed as teacher in the science group on April 3, 1986. Formal appointment letter was issued sometime in 1990.
13. Two criteria are essential for grant of approval to the appointment given by the school authorities. One essential condition is that, the approval of which is sought, is in accordance with sanctioned staff pattern and other is that, name of the incumbent appears in the inspection report of the District Inspector of Schools.
14. Appellant before us satisfies the criteria of his name appearing in the District Level Inspection Report of the District Inspector of Schools.
15. The other criteria, however, is not satisfied by the appellant. The criteria which the appellant does not satisfy is that, appointment to the particular subject as laid down in the Memo dated September 9, 1990.

16. In our view, twine conditions must be satisfied simultaneously for grant of approval to the appointment of a school teacher. The appellant not satisfying both the criteria simultaneously, is not entitled to the prayer for approval for appointment being allowed.
17. There is one more aspect in this matter. The appellant before us approached the High Court seeking similar relief by way of an earlier writ petition being CO No. 19922(w) of 1995. Such writ petition was disposed of on November 9, 2000 requiring the authorities to hear the appellant and dispose of such writ petition by a reasoned order.
18. In terms of the order dated November 9, 2000, the District Inspector of School, by writing dated May 16, 2001, rejected the request for sanction of the appointment of the appellant. Appellant, did not challenge such order of rejection in the writ petition.
19. All the four decisions rendered by the coordinate Bench, cited before us are on factual matrix which are

different than obtaining in the present case. We need not deal with each of the authorities in details herein.

20. Learned trial Judge, dismissed the writ petition on then ground that, the appointment of the appellant itself was bad. We find no reasons to interfere.

21. **FMA/1117/2024** is **disposed** of without any order as to costs.

(Debangsu Basak, J.)

22. I agree.

(Md. Shabbar Rashidi, J.)