

19.01.2026
Item No. 29
Ct. No. 14
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 13744 of 2025
Rajibul Haque Mirza
vs.
State of West Bengal & ors.**

Md. Younus Mondal

... for the petitioner

Mr. Suman Dey
Ms. Kalpita Paul

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities, particularly, respondent no. 3, the District Education Officer (Samagra Shiksha Mission), Murshidabad not to give effect to order no. 93/PED/SSM/2025 dated 23rd May, 2025.
3. The petitioner contends that he was appointed as a Para Teacher (Bio Science) at Baidyapur High School (H.S.) on 31st July, 2007. The petitioner joined in the said School on 12th September, 2007 as a Para Teacher (Bio Science) and continued to discharge his functions. The petitioner was nominated as the President of the Managing Committee of the said School by the Assistant Secretary, School Education Department on 12th November, 2024 taking into

consideration his good performance in teaching and managing skills. By the order impugned dated 23rd May, 2025, the petitioner was instructed by respondent no.3, District Education Officer (Samagra Shiksha Mission), Murshidabad, either to opt the post of Para Teacher or the post of the President of Baidyapur High School (H.S.) with immediate effect and that he was not allowed to remain in position of both the posts at the same School anymore. Being aggrieved by and dissatisfied with the impugned order, the petitioner has preferred the present writ petition.

4. Md. Younus Mondal, learned advocate appearing for the petitioner submits that there is no bar to appoint a Para Teacher as the President of an Institution. The School Education Department by the order dated 12th November, 2024 nominated the petitioner as the President for three years taking into consideration his performance as a teacher as well as his managing skills. Thus, the impugned order passed by respondent no. 3, the District Education Officer (Samagra Shiksha Mission), Murshidabad is bad in law and is, therefore, not sustainable. He seeks for setting aside of the impugned order under challenge.
5. Mr. Suman Dey, learned advocate representing the State submits that a Para Teacher cannot be nominated as the President of the said institution since such nomination would lead to unwanted

- litigation in the administration of the School. Following the School Education Department's order no. 303(22)-SE/S/10M-24/15 dated 20th April, 2015, respondent no. 3, the District Education Officer (Samagra Shiksha Mission), Murshidabad has passed the impugned order which does not call for interference. He seeks for dismissal of the writ petition.
6. Upon hearing learned counsel for the respective parties, the only issue which falls for consideration is whether the order passed by respondent no. 3, the District Education Officer (Samagra Shiksha Mission), Murshidabad is legally sustainable or not.
 7. Admittedly the petitioner is a Para Teacher (Bio Science) in Baidyapur High School (H.S.) where he was nominated as a President by virtue of order no. 944-MUR-641/SED-11015/122/2024 dated 12th November, 2024 of Assistant Secretary to the Government of West Bengal. The impugned order has been passed taking in consideration the Department's order no. 303(22)-SE/S/10M-24/15 dated 20th April, 2015.
 8. For the sake convenience of discussion, it would be profitable to reproduce the said Order No. 303(22)-SE/S/10M-24/15 dated 20th April, 2015 as hereunder:

"With reference to above, the undersigned is directed to convey the decision of the School Education Deptt. Regarding the anomalies referred to as under: .

1. President of the Managing Committee declined to accept the charge:

To overcome the situation, concerned Sub-Inspector of Schools who has been appointed as Member (Govt. Officials) at Sl. No. 4 of order of formation is appointed to take the charge of President of managing committee for smooth functioning of the Committee till the President nominated afresh.

2. Person interested in education declined to accept the charge:

The capacity of P.I.E., in such cases, will remain vacant till further nomination.

3. Nomination of In-service Teacher as P.I.E. or President:

Nomination in such cases would not be accepted. All such nominations stand to be cancelled. The vacancies caused due to such cancellation will be treated in the method as stated in Sl. No. 1 and 2 above..”

9. Upon bare reading of the aforesaid order, it manifest that nomination of in-service teacher as P.I.E. or President has been made not acceptable and would be cancelled. The impugned order under challenge has been passed taking into consideration the aforesaid order as noted hereinabove. Needless to mention that respondent no. 3, the District Education Officer (Samagra Shiksha Mission), Murshidabad has passed the order giving option to the petitioner either to continue with the post as Para Teacher or the post of President in the said institution and the petitioner may not be allowed to remain in position in both the posts. In view of the above, the impugned order since has been passed following the Department's order dated 20th April, 2015, hence does not call for any interference. Accordingly, the instant writ petition falls short of merit.

10. With the above observations, the writ petition being **WPA 13744 of 2025** stands dismissed.
11. Consequently, connected applications, if any, also stand disposed of.
12. Interim orders, if any, stand vacated.
13. There will be no order as to costs.
14. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)