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05.10.2026
Ct. No.6
P.A./A,P

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction

WPA No. 2254 of 2026

Dr. Anita Lama
v/s
State of West Bengal and Ors.

Mr. Anand Bhandari
Mr. Urgen Lama
Mr. Mayank Bhandari
...for the petitioner.

Mr. Arijit Ghosh
Mr. Alok Sah
...for the State.
Ms. Supriya Singh
Ms. Susmita Ghosh
... for the Respondent (GTA)

Affidavit of service filed by the petitioner is taken on record.

The private respondent is not represented despite service.

The petitioner was appointed as a Casual Junior High School Teacher in Kainjalia High School on contractual basis vide memo dated 30th May, 2000 and joined the said post on 2nd June, 2000. She started serving as a teacher in Relling Higher Secondary School from 2012 and her service was regularized with effect from 6th June, 2012 in the said school. After retirement of the Headmaster

of the School, the Managing Committee resolved to appoint Smt. Shakun Dewan as the Teacher-in-Charge despite the petitioner possessing higher qualification than her. Smt. Dewan superannuated from the said school after which the 7th respondent was made the Teacher-in-Charge of the school in 2024 though he was in service only for 7 years at that point of time.

Learned counsel for the petitioner has referred to a letter issued by the District Inspector of Schools, Secondary Education, Kalimpong to all the Headmasters of the Institutions of High/Higher Secondary Schools in the district on 6th October, 2020 demonstrating the criteria to be fulfilled for appointment of Teacher-in-Charge in a school. The letter suggests recommendation of a panel of three teachers with minimum qualification of post graduate and B.Ed for Higher Secondary School and length of service of not less than 10 years and submission of the panel before the District Inspector of Schools one month prior to the retirement of the existing Teacher-in-Charge. By a letter issued on 4th July, 2014 the Executive Director, Education Department, GTA, Darjeeling has informed the District Inspector of Schools of the district that the parameters to be followed in engaging Teacher-in-Charge in a particular school are as follows:-

i. If there is Assistant Headmaster or Headmistress, he or she be given charge of Teacher-in-Charge;

ii. In absence of Assistant Headmaster, senior most teachers with requisite qualification; and

iii. In absence of above, any teacher having requisite qualification with ten years of service should be considered.

The petitioner seeks appointment as Teacher-in-Charge in place of the private respondent on the ground that she completed 12 years of service as in 2024. She has a post graduate degree to her credit and has also completed B.Ed.

Learned counsel for the GTA submits that the private respondent has been temporarily appointed for the post on recommendation of the Managing Committee of the school.

The letter issued by the District Inspector of Schools as well as the Executive Director, Education Department, GTA clearly enumerate that the requisite qualification for appointment to the post of Teacher-in-Charge is a minimum of 10 years of service and minimum qualification of post graduation and B.Ed for Higher Secondary School.

It is not in dispute that the petitioner satisfies both the criteria. On the other hand, the private respondent who was appointed in 2017 did not complete the requisite minimum period of ten years when he was appointed to the post in 2024. He is drawing salary in the Honours graduate scale, as informed.

In view of the above, this Court is inclined to hold that the petitioner, having fulfilled the eligibility criteria for the post of Assistant Teacher of the school is entitled to be appointed for the said post in place and stead of the private respondent who does not fulfill the said criteria.

Accordingly, the District Inspector of Schools, being the 5th respondent herein, is directed to take necessary steps for appointment of the petitioner to the post of Teacher-in-Charge, Relling Higher Secondary School in place of the 7th respondent who is holding the said post at present.

This exercise shall be completed within four weeks from the date of communication of this order.

The writ petition is disposed of accordingly.

There shall however be no order as costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)