OD-3

ORDER SHEET
WPO No.517 of 2026
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PRASHANT KUMAR TIWARI
-VS-
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date:25th November, 2026.

Appearance :
Mr. Anjan Bhattacharya, Adv.
Ms. Anita Shaw, Adv.
Ms. Seema Thakur, Adv.
...for the Petitioner.

Mr. Piush Chaturvedi, Sr. Adv.
Mr. Tarun Kumar Das, Adv.
Mr N. G. Khaitan, Adv.
...for the State.

1. The petitioner is serving as an unapproved teacher in Shree Jain Vidyalaya.
2. He is aggrieved by the order dated 4th September, 2024 passed by the District Inspector of Schools (S.E.), Kolkata whereby the prayer of the petitioner for approval of service stood rejected on the ground that though the petitioner has qualification in M.A. B.Ed. in English and is an unapproved Assistant Teacher in Language group, but he was given appointment in place of one Ganesh Chandra Tiwari, an Assistant Teacher in Science and Math group, who retired from service.
3. The District Inspector of Schools (S.E.), Kolkata took note of the resolution of the Managing Committee of the school dated 31st March,

2023 wherein the name of the petitioner, the date of confirmation of the petitioner and the vacancy where the petitioner was appointed has been noted.

4. The District Inspector of Schools (S.E.), Kolkata opined that appointing the petitioner who has qualification in Language group and teaches Language group to the students could not have been appointed in a vacancy meant for Science and Math group.

5. Learned advocate for the petitioner refers to the resolution dated 31st March, 2023 considered by the District Inspector of Schools (S.E.), Kolkata. He submits that the teacher who was confirmed in the Language group has since left the school and there is a vacancy in the Language group where the service of the petitioner can be approved.

6. Prayer has been made to direct the District Inspector of Schools (S.E.), Kolkata to approve the service of the petitioner in the Language group in the vacancy which occurred on retirement of Bhavani Shankar Singh.

7. Learned Advocate representing the State respondents opposes the submission of the petitioner. It has been submitted that the petitioner's service cannot be approved in the Language group as he has been appointed and confirmed in a vacancy meant for Science and Math.

8. Upon hearing the submissions made on behalf of both the parties and on perusal of the materials on records it appears that, admittedly, the school forwarded the resolution dated 31st March, 2023 mentioning that the petitioner's appointment stood confirmed in a vacancy which

arises out of retirement of a teacher who was teaching Science and Math. The petitioner, having qualification in Language group, could not have been appointed and confirmed in a vacancy meant for Science and Math group.

9. The order impugned dated 4th September, 2024 prima facie does not suffer from any illegality or infirmity requiring interference by the Court.

10. As the petitioner has tried to make out a case that there is a vacancy in the Language group of the school where the service of the petitioner can be approved, accordingly, the instant writ petition stands disposed of with the observation that, in the event the school adopts a resolution to utilise the service of the petitioner in the Language group, then it will be open for the school to adopt such resolution and then forward the same to the District Inspector of Schools (S.E.), Kolkata for taking necessary consequential steps in the matter. As of now, in the present facts and circumstances of the case, no further relief can be granted to the petitioner.

11. The writ petition stands disposed of.

12. Affidavit of service filed in Court today is taken on record.

13. All parties are to act on the server copy of this order duly downloaded from the *official website* of this Court.

(AMRITA SINHA, J.)

nm