

WPA 11176 of 2020

**Sahana Jamader
Vs.
The State of West Bengal & Ors.**

Mr. Biswarup Biswas.
... for the petitioner

Mr. Mrinal Kanti Ghosh.
... for the State

1. The petitioner is the teacher appointed in a minority institution that is, the respondent school on and from September 27, 2006.
2. The present writ petition is with regard to the issue of her approval in service which has not yet been granted by the respondent authority.
3. Mr. Biswarup Biswas, learned counsel appearing for the petitioner would ventilate the grievance of his client that in spite of the law being already settled in this regard, the respondent authorities are acting with lackadaisical attitude in considering the petitioner's prayer for approval which is, according to him is an arbitrary action on its part.
4. He seeks that a direction be passed upon the respondent authority to approve the petitioner's service immediately.
5. Mr. Biswas, learned counsel has relied on the judgment of this court in **Tamalika Das vs. State of West Bengal** reported in **2024 (3) CHN (CAL) 175** and submits that the same has reached finality and the ratio thereof would be squarely applicable in the case too.

- 6.** It is further submitted by referring to the letter of the Assistant Secretary of the School Education Department dated June 11, 2013 addressed to the District Inspectors of Schools, Secondary Education of various districts seeking action taken report with respect to approval of the persons, whose names are mentioned in the same.
- 7.** Pursuant to the same, the District Inspector of Schools, Murshidabad, has already approved service of three assistant teachers vide his letter dated January 19, 2015.
- 8.** Mr. Biswas, would say that by not extending the same benefit to the petitioner, he has been treated in equally and discrimination has been exercised against her by the said respondent authority.
- 9.** On perusal of the record, it appears that an order of the National Commission for Minority Educational Institution dated June 13, 2012 stands in favour of the writ petitioner, contrary a direction therein that to accord approval to the said appointments of Assistant Teachers made by the petitioner institution with immediate payment of arrears of salary and all other eligible benefits to the said teachers in question.
- 10.** The said order of the Commission has been duly forwarded to the competent authority for implementation, by dint of the letter of the Deputy Secretary of the Commission dated June 22, 2012.
- 11.** Allegedly, since thereafter, there has not been any action taken regarding compliance therewith as

directed, but only several futile communications have been made between the departments.

- 12.** Mr. Mrinal Kanti Ghosh, learned counsel appearing for the State, has indicated that a representation of the writ petitioner dated December 2, 2020 is presently pending before the competent respondent authority, District Inspector of Schools, Primary Education, South 24 Parganas, which, he says, may be directed to be considered by the said respondent.
- 13.** Considering the submissions and after perusal of the records as above, the Court finds it proper to dispose of the present writ petition by directing the respondent District Inspector of Schools, Primary Education, South 24 Parganas to consider and decide upon the petitioner's representation dated December 2, 2020, after affording her a reasonable opportunity of hearing and by dint of a reasoned order, if not the prayer of the petitioner is allowed by him.
- 14.** During hearing, the petitioner shall be granted liberty to submit necessary documents including the copy of the judgment as relied on by her, before the said authority for consideration thereof, before taking the final decision.
- 15.** Let the exercise as above be concluded within a period of three weeks from the date of communication of copy of this order.
- 16.** Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.

17. With the above observations and directions, the writ petition being WPA 11176 of 2020 is disposed of, along with the pending applications, if any.
18. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)