

Sl. No.39  
21.12.2021  
Court no.2  
GB

*CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI  
APPELLATE JURISDICTION*

WPA 80 of 2021

Kamal Gurung & Ors.

Vs.

The State of West Bengal & Ors.

*Mr. Arijit Ghosh.*

*...for the Petitioners.*

*Mr. Subir Saha,  
Mr. Hirak Barman.*

*...for the State.*

*Ms. Supriya Singh.*

*...for the G.T.A.*

The petitioners rely on a decision of this Court dated January 24, 2020 passed in WPA 933 of 2019 and pray for a direction upon the District Inspector of Schools (Primary Education), Kalimpong to consider whether the petitioners can be regularized against the permanent sanctioned posts as primary school teachers on the basis of the policy as contained in the Memorandum No.254-SE dated March 8, 2019, which had been issued by the State Government for regularization of ad hoc/voluntary teachers, who had joined the services in different schools at the time of creation of Gorkha Territorial Administration. According to the petitioners, 19 candidates, who were similarly situated with the petitioners, had moved this Court and they have been duly regularized as primary teachers in the respective schools, pursuant to the direction of this Court.

Ms. Singh, learned advocate appearing on behalf of the Gorkha Territorial Administration submits that the petitioners were appointed in 2000 and as per the rules and regulations and the principles laid down in the decision of ***The Secretary, State of Karnataka & Ors. versus Uma Devi (3)*** reported in ***(2006) 4 SCC 1***, the petitioners do not have any right to be regularized against the permanent posts.

This matter has to be heard on affidavits.

The Gorkha Territorial Administration and the State respondents shall file their respective affidavits indicating whether the order of this Court dated January 24, 2020 passed in WPA 933 of 2019 had been complied with and whether the District Inspector of Schools (Primary Education), Kalimpong and the State respondents had taken a decision to regularize/absorb those teachers by adopting a similar policy as contained in the Memorandum No.254-SE dated March 8, 2019.

Let affidavit-in-opposition be filed within a period of six weeks; reply thereto, if any, be filed within two weeks thereafter. In the affidavit-in-reply, the petitioners will annex documents to show that they are still serving in the respective schools.

Let this matter appear after completion of the aforementioned period before the next available Circuit Bench under the heading 'Adjourned Motion'.

**(Shampa Sarkar, J.)**