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ORDER SHEET
WPO No.83 of 2026
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KRISHNA TIWARI
-VS-
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 12th August, 2026.

Appearance :
Mr. Sakti Pada Jana, Adv.
Mr. Subhajyoti Das, Adv.
...for the Petitioner.

Ms. Sristi Burman, Adv.
Mr. Anujit Mookherji, adv.
...for the State.

1. Learned advocate representing the State respondents was directed to revert with instruction with regard to the Government Order which relates to approval of non-teaching staff of a DA getting school.
2. Submission of the learned advocate is that no instruction has been forwarded by the authority till date. It has been submitted that the District Inspector of Schools (Secondary Education), Kolkata has already sought for clarification from the Commissioner of School Education, West Bengal. Necessary order may be passed by the Commissioner to consider the prayer of the petitioner.
3. On a perusal of the documents annexed to the writ petition and particularly the order dated 31st March, 2014 passed by the Court in ***W.P. 9640 (W) of 2012 (Abhijit Sharma Vs. The State of West***

Bengal & Ors.), it appears that the Court was pleased to set aside the memo dated 9th December, 2011 and 13th December, 2011 passed by the Director of the School Education requesting to stop operation of the Directorate's memo dated 3rd November, 2011 and thereafter cancelling the memo dated 3rd November, 2011 which allows the DA getting schools to fill up vacancies within the sanctioned strength from the qualified non-teaching staff.

4. On account of setting aside of the memos dated 9th December, 2011 and 13th December, 2011, the memo which is currently surviving is the Directorate's memo dated 3rd November, 2011.
5. The memo dated 3rd November, 2011 specifies the norms which are required to be obeyed by the school authority in order to fill up the vacancy of DA getting schools in respect of non-teaching staff.
6. Relying on the aforesaid memo, the petitioner was appointed as Class-IV staff of the school in December, 2023 with effect from 1st September, 2022.
7. The service of the petitioner is required to be approved by the District Inspector of Schools (Secondary Education), Kolkata. The school has already forwarded the necessary papers for approval of the petitioner to the District Inspector of Schools (Secondary Education), Kolkata in June, 2025. The same has been rejected in January, 2026 with the observation that the District Inspector of Schools (Secondary Education), Kolkata does not have any provision regarding approval.

8. The rejection of the District Inspector of Schools (Secondary Education), Kolkata is absolutely contrary to the memo dated 3rd November, 2011 which is currently holding the field.
9. In view of the above, the instant writ petition stands disposed of by directing the District Inspector of Schools (Secondary Education), Kolkata to take steps for approval of the service of the petitioner as non-teaching staff in terms of the memo no. 2116-GA/OM-8/95 dated 3rd November, 2011 at the earliest, but positively within a period of twelve weeks from the date of communication of this order.
10. If required, the District Inspector of Schools (Secondary Education), Kolkata may provide an opportunity of hearing to the representative(s) of the school and the petitioner at the time of passing a final order in the matter. A reasoned order shall be passed and communicated to all the necessary parties.
11. The impugned order of the District Inspector of Schools (Secondary Education), Kolkata dated 28th January, 2026 stands set aside.
12. All parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.
13. Certified server copy of this order, if applied for, shall be made available to the parties.

(AMRITA SINHA, J.)