

04
28.02.2020
Court No.2
DC

CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE

WPA 438 of 2020

Siddharth Moktan & Ors.
Vs.
The Gorkhaland Territorial Administration & Ors.

Mr. Biswaroop Bhattacharjee
Mr. Pritam Choudhury
.....for petitioners

Mr. Ayanabha Raha
Mr. Supriya Singh ... for respondents

Deficit court fees have been paid by the petitioners
vide filing No. A-94 dated 27-02-2020.

The petitioners were engaged as casual primary
teachers on contractual basis by the Secretary,
Department of Education, Darjeeling Gorkha Hill
Council and they are serving in their respective
schools for a considerable period of time.

The Gorkhaland Territorial Administration in a
meeting conducted on 02-02-2016 resolved that the
services of the ad-hoc teachers are required to be
regularized for better and effective functioning of the
institution.

The petitioners submit that they have got the requisite educational qualification for being regularized in service.

The petitioners rely upon the unreported order dated 24-01-2020 passed by a Co-ordinate Bench of this Court in WPA 933 of 2019 (Upesh Tamang & Ors. Vs. State of West Bengal & Ors.) wherein under similar circumstances the Court directed the respondent authority to take a reasoned decision with regard to the prayer of the petitioners.

The affidavit-in-opposition which was filed by the Gorkhaland Territorial Administration in the matter of Upesh Tamang & Ors. (supra) mentions that the Gorkhaland Territorial Administration had accepted ad-hoc Assistant Teachers and approved their appointments.

Since the petitioners lie on the same footing, similar direction is passed in the instant case.

The District Inspector of Schools, Primary Education, Gorkhaland Territorial Administration, being the respondent No. 3 herein is directed to consider the prayer of the petitioners for regularization of their services, strictly in accordance with law, within a period of ten weeks from the date of receipt of the representation to be made by the petitioners, after giving a reasonable opportunity of hearing to the petitioners or their authorized representatives.

The said respondent shall pass a reasoned order and communicate the same to the petitioners within a fortnight thereafter.

The petitioners are directed to file a comprehensive representation annexing all the documents in support of their case, within a period of ten days.

In the event, the said respondent is of the opinion that the services of the petitioners may be approved, in that case the Principal Secretary, Gorkhaland Territorial Administration shall take necessary consequential steps.

It is made clear that this Court has not gone into the merits of the claim raised by the petitioners and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioners.

The writ petition stands disposed of.

Urgent certified Photostat copy of this order, if applied for, be supplied, to the parties upon observance of requisite formalities.

(Amrita Sinha, J.)