

15. 31.03.2023
bd. Ct.15

W.P.A. 31494 of 2017

Chhaya Mandal & Ors.

-vs-

The State of West Bengal & Ors.

Mr. P.C.Ghosh

Mr. Subir Hazra

... for the petitioner.

Mr. Pinaki Dhole

Mr. Pinaki Bhattacharya

... for the State

The writ petition is presented, *inter alia*, challenging the memo dated 30th June, 2017 issued by the District Inspector of Schools (SE), Birbhum, being the respondent no. 3 whereby the claim of the petitioners being organising teachers of Harisara Anchal Tarasankar Smrity Vidyapith, District-Birbhum, has been spurned.

Mr. Ghosh, learned advocate representing the petitioners submits that initially school was four class Junior High with effect from 1st May, 1999 and subsequently the school was upgraded as high school vide memo dated 4th July, 2016 issued by the West Bengal Board of Secondary Education. It has further been submitted that petitioners are working in the upgraded section (Classes IX and X) of the said school therefore according to the petitioners on upgradation of the said school services rendered by the petitioners as organising teachers ought to have been approved by the State respondents.

Learned advocate representing the State

respondents has opposed the prayer made on behalf of the writ petitioners and has also defended the decision of the District Inspector of Schools (SE), Birbhum, being the respondent no. 3. It has been contended that since names of the petitioners did not feature in DLIT inspection report based on the inspection held on 8th January, 2015 prior to upgradation of the said school petitioners do not have any right of regularisation as organising teachers.

Having considered the submissions made on behalf of respective parties and on perusal of available records it appears that according to the petitioners they were rendering services as organising teachers in the upgraded section (Classes IX and X) of the aforesaid school. It emanates from the impugned decision of the respondent no. 3 dated 30th June, 2017 that inspection was carried out by DLIT on 8th January, 2015 for upgradation of the school but the report of DLIT did not contain names of the petitioners. The very basis of claim of organising teachers for approval as per the relevant norms rests on the report of the DLIT but in the present case since report of the DLIT does not contain names of the petitioners the claim of the petitioners for regularisation/approval being organising teachers cannot be acceded to.

In addition thereto the issue relating to approval of organising teachers on recognition/upgradation of the concerned school has been succinctly decided by the Hon'ble Division

Bench on an intra-Court appeal being ***MAT 1626 of 2017 (The District Inspector of Schools (SE), Burdwan & Ors. -vs- Abdul Barik Shaikh & Ors.).*** Paragraph 19 of the said judgment dated 6th July, 2018 is quoted below:

“19. Applying the law laid down here, we hold that Manindra Nath Sinha (supra) having been affirmed by the Supreme Court, all Benches of this Court in cases involving similar fact situation are bound to follow the same as a binding precedent and any decision of a learned Judge or Judges, which runs counter to the dicta in Manindra Nath Sinha (supra), Smritikana Maity (supra), Gita Banik and Gopal Singh (supra), is not good law.”

In above conspectus this writ petition does not merit consideration and the same accordingly stands dismissed. Interim order, if any stands vacated. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)