

**(2012) 01 CAL CK 0029**  
**In the Calcutta High Court**  
**Case No : Writ Petition No. 7307 (W) of 2009**

MD Rafi Ahammed

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

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**Date of Decision :** 31-01-2012

**Acts Referred:**

**Citation :** (2012) 01 CAL CK 0029

**Hon'ble Judges :** Shukla Kabir (Sinha), J

**Bench :** Single Bench

**Advocate :** Tapan Chakrabarty and Mr. Narayan Chandra Bhandary, for the Appellant; Tapas Ballav Mandal . Advocate for the Respondents (Nos. 1 to 4), for the Respondent

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## Judgement

Shukla Kabir (Sinha), J.—The writ petition has been filed by the petitioner being aggrieved and dissatisfied with the gross violation of natural justice, inaction of the Respondent Authorities for not granting appointment of headmaster to the petitioner in an arbitrary manner.

2. The writ petitioner had passed Higher Secondary Examination in the year 1981 and had passed BA Examination under the University of Calcutta in 1983 and also passed one year Honours course of History under Rabindra Bharati University in 1985. Thereafter he passed MA in History in 1986 and also Bachelor of Education Examination in 2007.

3. He was therefore accorded approval of appointment by the District Inspector of School (SE) South 24 Parganas as Teacher-in-Charge of Narayanpur Junior High School from 11th June 1998. The Secretary of the school also issued a certificate in favour of the petitioner in September 2003, confirming his post as Teacher-in-Charge. The petitioner had sent a representation to the District Inspector of school with approval of the Managing Committee to be appointed as Headmaster from the post of Teacher-in-Charge. But no reply was received. The Learned Advocate for the petitioner produced the said documents at the time of hearing.

4. Thereafter on 25th March 2008, the Secretary of West Bengal Board of Secondary Education issued an Order to the Secretary of Narayanpur Junior High School for upgradation as High School from Class VIII to Class X. The said school Narayanpur Junior High School was upgraded by the State Government and therefore the petitioner submitted a representation to the District Inspector of School for approval of appointment as Headmaster of the upgraded class high school. Along with the resolution of the managing committee of the school which had given approval for such appointment as Headmaster. The petitioner having passed M.A, B.Ed. examination and having taught for more than 10 years as Teacher-in-Charge in the aforesaid school. Therefore, he being the senior most teacher was entitled to be appointed as Headmaster. But unfortunately no reply was given to the petitioner by the authorities. The writ petitioner had filled a writ petition being WP No. 23461 (w) of 2008 and the same was heard by the Hon"ble Justice Soumitra Pal who was pleased to direct the Respondents to appoint the petitioner as Headmaster. The Learned Advocate appearing for the state Respondent submitted that the post of Headmaster should be filled up only by an examination conducted by the West Bengal School Service Commission and therefore the writ petitioner was directed by the Hon"ble Judge to appear for the examination. The petitioner therefore submitted a representation with the honour of the said Hon"ble High Court dated 22 September 2008 to the secretary West Bengal Regional School Service Commission. But unfortunately the petitioner suffered as the District Inspector of School instead of upgrading the petitioner as the Headmaster reverted him as the Assistant teacher of the school instead of the post of Headmaster. The school authority also presented a representation dated 13th March 2009 to the District Inspector of School for approval of appointment of the petitioner as Headmaster in the aforesaid school. The Respondent authorities did not consider the representation made by the petitioner or the school authority. Therefore this writ petition has been filed challenging the inaction and the disapproval of the Respondent Authority for not elevating the petitioner as Headmaster though he has been working for 10 years as the Teacher-in-Charge of the junior High School. No positive submission has been placed by the Respondent Authority. Therefore, the writ petition is being allowed and the Respondent No. 4 the District Inspector of Schools Order reverting the petitioner as the Assistant teacher is being set aside and the said Respondent is being directed to accord approval of appointment to the post of Headmaster in favour of the petitioner within one month from the date of communication of this Order.

5. The instant writ petition is being disposed of without cost.

6. Urgent Photostat certified copy of this order, if applied for, be given to the parties expeditiously on priority basis.