

## Ranjana Tamang Vs The State of West Bengal

**Court:** Calcutta High Court

**Date of Decision:** April 29, 2014

**Citation:** (2014) 4 WBLR 154

**Hon'ble Judges:** Debasish Kar Gupta, J

**Bench:** Single Bench

**Advocate:** Saikat Banerjee, Asok Janah, Ina Bhattacharya and Krishnadeo Das, Advocate for the Appellant

### Judgement

Debasish Kar Gupta, J.

None appears on behalf of the respondent Nos. 3, 4 and 6 in spite of service of copies of this writ application

upon them. Let affidavit of service filed in Court today be kept on record. This writ application is filed by the petitioner to take a decision in the

matter of her appointment in the post of an Assistant Teacher of respondent No. 6 against permanent vacancy. A representation dated October

31, 2013 submitted by the petitioner to the Chief Executive, Gorkhaland Territorial Administration, District -- Darjeeling (annexure "P 2" at page

22 of this writ application), amongst others, is still pending.

2. Having heard the learned counsel present before this Court today as also after considering the relevant provisions of the Gorkhaland Territorial

Administration Act, 2011, I find that the Gorkhaland Territorial Administration is the appropriate authority to take a decision in respect of the

above representation of the petitioner. The provisions of Sub-Section (V) of Section 26, Clause (a) of Sub-Section (1) of Section 40 and Sub-

Section (1) of Section 55 are quoted below:--

26(v) -- School Education including primary education, secondary education, higher secondary education (including vocational training); Physical

Education; Government Schools;

40(1) The Chief Executive shall have general responsibility for the financial and executive administration;

55(1) There shall be a fund to be called the Fund to be held by the Gorkhaland Territorial Administration in trust for the purpose of this Act and

all moneys realized or realizable under this Act and all moneys otherwise received by the Gorkhaland Territorial Administration shall be credited

thereto.

3. After considering the aforesaid provisions, I find that the Gorkhaland Territorial Administration is the competent authority to take a decision in

the matter of School Education and general responsibility for financial and executive administration vests upon the Chief Executive of the

Gorkhaland Territorial Administration for which fund should be allotted for the purpose of holding the same by the Gorkhaland Territorial

Administration in trust for the purpose of Gorkhaland Territorial Administration Act, 2011.

In view of the above, I direct the competent authority of the respondent No. 3 to dispose of the above representation of the petitioner by passing a

reasoned order in accordance with the law within a period of two months from the date of communication of this order and to communicate such

decision to all concerned including the petitioner within two weeks thereafter.

4. Since no affidavit-in-opposition is filed by the State respondents, the allegations made in this writ application are not treated to have been

admitted by them.

5. I make it clear that I have not entered into the merit of this case and all points are kept open.

6. This writ application is, thus, disposed of.

7. There will, however, be no order as to costs. Urgent photostat certified copies of this order, if applied for, be given to the parties on priority

basis.