Form No. J(1)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Rajasekhar Mantha.
And
The Hon'ble Justice Anuj Singh.

FMA 605 of 2024
MAT No. 158 of 2024

Smt. Swapna De (Datta) and others.

Versus

The Secretary, School Education Department and others.

For the Appellant:	Mr. Kamalesh Bhattacharya, Adv. Mr. Aaninda Bhattacharya, Adv.
For the State:	Mr. Debapriya Gupta, Ld. AGP Mr. Barun Ghosh, Adv. Mr. Biswanath Banerjee, Adv.
Hearing concluded on:	14th September, 2026
Judgment on:	23rd September, 2026

Anuj Singh, J:

1. Being aggrieved by and/or dissatisfied with the Judgment and order dated December 21, 2023, passed in WPA No. 10605 of 2019, [Smt. Swapna De (Datta and others) v. The Secretary, School Education Department and others], whereby the Learned Single Judge dismissed the writ petition and affirmed the impugned order dated January 30, 2019, passed by the Secretary, School Education Department, rejecting the appellants' claim for approval of their appointment as teaching and non-teaching staff of Sukchar Swami Mahadebnanda Junior High School, the appellants have preferred the instant appeal.

CASE OF THE APPELLANTS IN THE WRIT PETITION:

2. Sukchar Swami Mahadebnanda Junior High School, (hereinafter referred to as the 'said school') was established in the year 1966 and was, in due course subsequently recognized by the West Bengal Board of Secondary Education with effect from January 1, 1971.

3. Sometime in 1976, owing to the disturbed political scenario then prevailing in the State, the management of the school was compelled to close it down temporarily. However, the school resumed functioning since the year 1984 and took active steps for revival of the recognition earlier granted in its favour.

4. On May 2, 1988, a District Level Inspection Team, (hereinafter referred to as "DLIT") inspected the school and, by its report bearing Memo No. 34/C (2) dated May 9, 1988,recommended revival of the recognition of the said school.

5. The appellantno.1 was appointed in the said school on May 2, 1995 and joined her duties from May 5, 1995. She holds an M.A. degree in Bengali and a B.Ed degree and claims to be serving as the Headmistress of the said school ever since the date of her appointment.

6. The appellant no. 2 was appointed on December 4, 1995, and joined duties on December 8, 1995. The appellant no. 2 holds B.A. (Hons.) and M.A. degrees and claims to be serving as an Assistant Teacher in the said school ever since the date of his appointment.

7. The appellantno. 3 was appointed on May 13, 1996, and joined duties on May 17, 1996. She holds B.A. and M.A. degrees and claims to be serving as an Assistant Teacher ever since the date of her appointment in the said school.

8. The appellant No. 4 was appointed on December 10, 1996, and joined his duties on December 16, 1996. He holds an MA degree in History and claims to be serving as an Assistant Teacher ever since the date of his appointment.

9. The appellant No. 5 was appointed on May 13, 1997 and joined duties on May 19, 1997. He has the Higher Secondary qualification and claims to be serving as a Clerk ever since the date of his appointment in the said School.

10. On February 26, 2000, the organizing Managing Committee of the said school adopted a Resolution resolving to file a Writ Petition before this court, *inter alia* praying for revival of the recognition of the said school. It was also unanimously resolved in the said meeting that the existing teaching and non-teaching staff working in the school would be recommended to the Education Department for approval, if the recognition of the school was revived. The names of all the Appellants appeared in such resolution.

11. Accordingly, WP No. 16476 (W) of 2000 was filed by the Managing Committee before this Court. By Judgment and order dated March 16, 2001, the aforesaid writ petition was disposed of by this court with a direction upon the Secretary, Education Department to consider the matter afresh for revival of the recognition of the school and for such purpose hold an inspection of the said school. It was further directed that if the recognition of the school was accorded, the Board would pass an order in relation to the existing teaching and non-teaching staff of the said school.

12. However, as no steps were taken in terms of the order dated March 16, 2001, a Contempt application being, WPCRC No. 3533 of 2002 was filed. By an order dated September 3, 2002, a Coordinate

Bench of this Hon'ble Court appointed one Mr. A.N. Banerjee, Advocate as the Special Officer to visit the said school and submit his report. It appears that the Special Officer duly inspected the school on the very next day and subsequently filed his Report before this court. In the course of his visit on September 4, 2002, the Special Officer met the Headmaster, who claimed to have been in service since the year 1981 and two other persons claiming to be members of the Managing Committee. The Special Officer further recorded in his report that he met four other persons, three female and one male, all claiming to be teachers, and one male and one female staff member. A perusal of the report would reveal that the Special Officer did not recordthe names of any of those four teachers or either of those two staff members whom he met. It was also recorded that no student was present on the said date because the school was closed for study leave before the quarterly examination, which was scheduled to start on September 9, 2002.

13. It appears that subsequently the West Bengal Board of Secondary Education, by its decision dated April 29, 2009, read with the Memorandum dated June 21, 2011, revived the recognition of the school with effect from May 1, 2009.

14. A supplementary affidavit was affirmed on August 2, 2011, in the aforesaid contempt proceeding, bringing on record the names of the appellants as teaching and non-teaching staff.

15. It has been further contended by the appellant that in part compliance with the order dated March 16, 2001, the District Inspector of Schools (Secondary Education), Barrackpore approved the services of two teachers and one non-teaching staff by a Memorandum dated February 7, 2012, and filed a compliance report on May 9, 2012. The appointments of the present appellants were not

approved primarily because their names did not appear in the aforesaid DLIT report dated May 9, 1998.

16. In view of the aforesaid, by an order dated February 14, 2013, passed in the contempt proceeding the District Inspector of Schools was directed to comply with the order dated March 16, 2001 in its entirety. Pursuant to the aforesaid order, the services of the appellants herein were approved on April 5, 2013 with effect from May 1, 2009.

17. An appeal was preferred from the aforesaid order passed in the contempt proceeding. In the aforesaid appeal, the approval of the Appellants services was set aside by an order dated September 12, 2013. The appellants, however, were granted liberty to institute fresh proceedings in relation to the approval of their services.

18. Pursuant to such liberty, WP No. 31042 (W) of 2013, Lina Bhowmik vs. State of West Bengal was filed and in the said writ petition by an order dated November 29, 2013 the District Inspector of Schools was directed by this Court to grant approval in favour of the appellants within a period of 2 weeks. Accordingly, their services were once again approved by an office memorandum dated August 26, 2014 and November 13, 2014.

19. The State then proceeded to prefer five appeals against the order dated November 29, 2013 passed by a learned Single Judge. By an order dated April 20, 2016, a Division Bench of this Court disposed of the aforesaid appeals and directed the Secretary, School Education Department to pass a speaking order on the claim of the appellants in light of the Judgment dated March 16, 2001, after granting an opportunity of hearing to the appellants. The earlier order was set aside only so far as it related to the rejection of the claim of the

appellants. Consequently, upon such order the approvals earlier granted to them were again withdrawn on June 16, 2016.

20. The Secretary, School Education Department thereafter conducted a hearing on August 17, 2016. In the course of such hearing, it was submitted that the appellants had been in service from 1995 to 1997. Therefore, the DLIT report of 1988 could not have contained their names. By memo No. 861/1(5)-SE(Law)/SL/5S-54/2013, dated September 29, 2016, the appellants claim for regularising their service was rejected.

21. The Appellants challenged the order dated September 29, 2016, before this court in WP No. 959A (W) of 2017. By an order dated August 28, 2018 the order dated September 29, 2016 was set aside and the said authority was directed to comply with the directions contained in the Division Bench's order dated April 20, 2016 within the time stipulated by this court.

22. Accordingly, a further hearing was held on January 16, 2019 and the Secretary thereafter passed an order dated January 30, 2019 once again rejecting the appellant's claim. The grounds for such rejection order were(a) that the appellants had not produced cogent documents showing appointments in accordance with law, (b) that there was no validly constituted Managing Committee of the school, (c) that the appointments were not in terms of the recruitment procedure, (d) that the Government Order dated December 19, 1984,stated that approval of only those persons whose names appeared in the DLIT report could be granted, and that the appellants name did not appear in the DLIT report, (e) that the Special Officer had also not mentioned the names of the appellants in his report filed before this Court, and (f) that the photocopies of the attendance register filed by the appellants were unauthenticated. Thus, on aforesaid reasons the appellants' claim for regularization of service was rejected.

23. Upon such rejection, the appellants challenged the order dated January 30, 2019, in WPA 10605 of 2019. In the said petition, the appellants in essence prayed for setting aside of the order and for a direction to approve their appointments as the existing teaching and non-teaching staff of the school with effect from May 1, 2009, together with the monetary benefits.

24. By the impugned judgment under appeal dated December 21, 2023, the learned Single Judge dismissed the WPA 10605 of 2019.

FINDINGS OF THE LEARNED SINGLE BENCH:

25. The learned Single Judge held that although the appellants name appeared in the Managing Committee's resolution dated February 26, 2000, the representation dated July 15, 2011 and the attendance registers, their names did not appear in the report of the Special Officer who was appointed pursuant to an order of this Court. According to the learned Single Judge, this created a serious doubt regarding the actual existence and functioning of the appellants as teaching and non-teaching staff of the said school. It was also held by the learned Single Judge that since the Special Officer's Report had never been challenged before the court and the same had attained finality, the learned Single Judge would give greater evidentiary weight to the Report,rather than to the documents produced by the appellants.

26. The Single Judge distinguished the judgement relied upon by the appellants in ***Niranjan Sahoo and Anr. vs. State of West Bengal*** in FMA 2089 of 2015 with CAN of 2015) passed on September 02, 2022, on the ground that, in that case, the employees had been found to be bona fide working at the school when the inspection was held, whereas the appellants herein were not named in

the Special Officer's report. Relying upon ***Manindra Nath Sinha and Ors. vs. State of West Bengal and Ors. (2006 SCC OnLine Cal 499)*** and ***State of West and Ors. vs. Smritikana Maity and Ors. (2007 SCC OnLine Cal 563),*** the learned Single Judge further held that appointments made without compliance with the recruitment procedure could not be approved. Even assuming that the appointment letters had been issued and that the appellants' names appeared in the subsequent resolution and representation, their actual service and the legality of their appointments had not, according to the Court, been established beyond doubt. The court further held that the aforesaid disputed question of facts would require a proper trial and could not be suitably decided in a proceeding under Article 226 of the Constitution of India.

27. The learned Single judge also observed that the scope of judicial review was limited to examining whether the State had considered the relevant materials and whether its decision suffered from patent illegality. Accordingly on examining the Secretary's order dated January 30, 2019 the Court concluded that the said authority had duly considered the materials on record and had given reasons for rejection of the appellants' claim. Thus, finding no perversity or illegally in the decision, the Single Judge dismissed the writ petition.

SUBMISSION OF THE APPELLANTS:

28. The appellants reiterated the submissions recorded in the paragraphs above and, to buttress such argument, relied upon the judgment reported in the matter of **Hemoprova Sikdar vs. State of West Bengal and others, reported in (1998) WBLR (Cal) 223**, to argue that when the school started functioning, there were no Recruitment Rules. Hence, there is no scope for raising a plea that the appointments of the appellants as organizing teachers were not in accordance with the Recruitment Rules since the school started

functioning as an organizing school, there were no Recruitment Rules. Hence, there is no scope for arguing that the appointment of the appellants as organizing teachers was not in accordance with the recruitment rules. For the same proposition the Learned Counsel relied upon another decision of this Court dated September 29, 2022, passed in the matter of **Niranjan Sahoo @ Niranjan Sahoo and another vs. State of West Bengal and others in FMA 2089 of 2015,** which was not interfered with by the Supreme Court in SLP (Civil) Diary No. 4340 of 2023.

SUBMISSION OF THE RESPONDENTS:

29. The Learned Counsel representing the respondents argued that, while it is true that, if at the time of commencement of an organizing school prior to the School Service Commission Act coming into force, no recruitment rules in terms of the statute would apply, later on when the teachers claim approval of service, they must show beyond any doubt and/or reasonable doubt that they were employed as teachers and /or staff of the school. Learned counsel for the respondent, by referring to the DLIT report and the report filed by the Special Officer, has contended that nowhere have the names of the appellants appeared. It is argued that even if the names of the petitioner had appeared in the resolution of the managing committee, as contended by the appellants, the same could not be construed as a document beyond reasonable doubt, and that the special officer's report would prevail over any other documents.

30. Learned counsel has also relied upon the judgment passed in **Manindra Nath Sinha and others versus State of West Bengal and others** reported in **(2006) 4 CHN 513** and another judgment passed in **State of West Bengal and others versus Smiti Kana Mayti and others** reported in **(2008) 2 CHN 582**, to contend that when the

teachers are appointed without following the due process of law and the requirement rules, no approval should be granted by the State.

31. He has further relied on a judgment of the Hon'ble Supreme Court of India dated December 4, 2014, in Civil Appeal No. C 7897 of 2010 in the matter of **Manindra Nath Sinha vs. State of West Bengal and others** (supra)**,** and submitted that a Special Leave Petition against the Division Bench's judgment in **Manindranath** (supra) was dismissed.

32. Ld. Counsel also places reliance on the judgment of the Division Bench of this Court in the matter of the **District Inspector of Schools (Secondary Education), Bardhaman and others versus Abdul Barik Sheikh and others, dated July 6, 2018, delivered in MAT 1626 of 2017.**

33. It is thus contended that the appeal has no merits and the order of the learned Single Judge deserves no interference by this court.

ISSUES FOR CONSIDERATION:

1. Whether the non-mentioning of names of appellants in the Special Officers' report dated September 4, 2002, was sufficient evidence of their absence from the school or appointment?

2. Whether the learned Single Judge was correct in holding that, in view of the fact that the Special Officer's report stood unchallenged and attained finality, the same in itself is sufficient to conclude that the appellants were never employed by the school as teaching and non-teaching staff?

3. Whether in a proceeding of this nature the appellants were required to prove their claim beyond reasonable doubt, or whether the claim of the appellants had to be decided on the ordinary civil and

administrative standard upon fair consideration of all the relevant materials on record?

ISSUE NOS. 1 AND 2:

34. Before dismissing the positive evidence regarding employment of the appellants brought on record, primarily on the basis of the Special Officer's report dated September 4, 2002, it is necessary to understand the scope of work entrusted to the Special Officer by this court by the order of September 3, 2002. A perusal of the Order dated September 3, 2002, would reveal the following scope of work so assigned to him:

> *"Mr. Banerjee will visit Sukchar Swami Mahadevnanda Junior High School, Panchanantala, P.O. Sukchar, Dist. North 24 Parganas, tomorrow at 11:30 am. Mr. Ashish Kumar Halder, learned advocate appearing on behalf of the alleged contemnor/opposite party, submitted that the concerned D.I. of the school shall be informed accordingly. He will be asked to be present at the locale when Mr. Banerjee will be at the site. I, therefore, direct that he may be asked to do so. Mr. Banerjee will inspect the school building in respect of its area, room, and condition of structure, and also the approximate number of students attending the school, and will submit a report on the next date."*
>
> **[Emphasis applied]**

35. Upon perusal of the said order dated September 3, 2002, it would be evident that this court did not direct the Special Officer to ascertain and identify the teaching and non-teaching staff working at the school. The order also did not provide that the Special Officers shall visit the school for the purpose of verifying their appointment letters, ascertaining their dates of joining, examining the attendance registers, or investigating into the persons who comprised the organizing staff of the school. On the contrary, the mandate of the special officer was to inspect the area, rooms, and structural condition

of the school building, and reporting the approximate number of students attending in the said school.

36. In light of the aforesaid clear mandate given to the Special Officer, let us examine what the Special Officer's report reveals. The Special Officer named the person who claimed to be the headmaster of the school and two other persons claiming to be members of the managing committee. He then described the remaining persons collectively as four teachers, being three females and one male, and two other members of non-teaching staff, one being male and the other being a female. Thus, the Special Officer's report did not record the name of any member present at the school. Its silence regarding the names of the appellants was therefore general and not a finding specifically against the appellants. The finding would have been against the appellant if the Special Officer had recorded names of persons present at the school while excluding the names of the appellants.

37. This Court finds that the evidentiary value of report submitted by a court appointed Special Officer must be looked into with reference to the purpose for which such officer was appointed. In **Bandhua Mukti Morcha vs. Union of India, reported in (1984) 3 SCC 161, paragraph 14,** the Hon'ble Supreme Court explained that the Commissioner's report provides only a prima facie evidence of the facts reported by the Commissioner. The Hon'ble Supreme Court further held that it remains entirely for the Court to determine the weight to be attached to such report in light of the other materials on record.

38. The Hon'ble Supreme Court in the matter of **MP Raj Tilhan Utpadak Sahakari Sangh Marayadit versus Modi Transport Services (2022) 14 SCC 345, paragraphs 32 to 34** held that a Commissioner performs only a ministerial and not an adjudicatory function, and that his report merely aids but does not bind the Court.

Such officer of a Court cannot adjudicate on an issue entrusted to the court, much less an issue which was never referred to him.

39. Further, the fact that the appellants did not file an exception to the Special Officer's report or challenge the same does not make any difference. In **Amena Bibi and Ors. v. Sk. Abdul Haque, AIR 1997 Cal 59**, this Court held that even the acceptance of a Commissioner's report does not preclude a party from referring to other evidence to contradict the same, and that the Court must take a comprehensive view of the entire evidence on record. In the present case, there was in fact, no occasion for the appellants to challenge the report, since it did not record that they were absent or did not identify them by name. The appellants cannot be faulted for not challenging a report which did not deny its claim.

40. This Court therefore holds that the report of the Learned Special Officer could not therefore be given greater weight than it deserved. The said report had to be viewed in light of the scope of work entrusted to the Special Officer. Significantly, it is nobody's case that the appointment letters, the resolution dated February 26, 2020, or other records relied upon by the appellants were fabricated, manufactured, or otherwise not genuine.

41. In view of the aforesaid, we find that the Special Officer's report was neither adverse to the appellants' case, nor can it be seen as evidence against the appellants' appointment or association with the said school.

ISSUE NO. 3:

42. The order dated March 16, 2001,clearly directed that the appellants' case shall be considered afresh. The Division Bench's order dated April 20, 2016, also directed the authorities to pass a speaking order on the appellants' claim in light of the earlier judgment. In view of both the aforesaid orders, the authority was

bound to ascertain whether the appellants were working at the school during the period prior to the revival of recognition of the school. Unfortunately, the respondent proceeded to mechanically reject the appellants' claim because their names did not appear in the DLIT report of 1988. The reliance on the DLIT report of May 9, 1988, was utterly misconceived and without application of mind. The appellants were appointed between the year 1995 and May 1997. Thus, their names could not have appeared in the report prepared several years before their appointment.

43. The respondent authorities further failed to appreciate that the appellants were not required to prove their claim beyond doubt. The proceedings were not criminal or penal. The competent authority was required to reach a reasonable administrative satisfaction on the ordinary civil standards of preponderance of probabilities upon a fair and collective consideration of the materials produced by the appellants.

44. In **Maharashtra State Board of Secondary and Higher Secondary Education v. K.S. Gandhi, 1991 (2) SCC 716, paragraph 37**, the Hon'ble Supreme Court while considering a decision made by the Education Standing Committee held that the applicable standard was not proof beyond reasonable doubt, but preponderance of probabilities. The Hon'ble Supreme Court further held that an administrative inquiry must take into consideration all necessaryand cogent evidence, although such material may not have been proved strictly in conformity with the Evidence Act.

45. In the view of this Court, the authority was required to consider the appointment letters, the resolution dated February 26, 2000, the Special Officer's report, which indicated the number of staff present (within a day's notice) at the school, and the subsequent official records disclosed by the appellants, and determine whether on

preponderance of probabilities the appellants' claim of employment was reasonable and acceptable.

46. In ***Jaggo v. Union of India, 2024 SCC OnLine SC 3826***, the Hon'ble Supreme Court hold that there is a distinction between 'illegal' and 'irregular' employment. Employees who have rendered long years of service and whose appointments were irregular ought not to be penalised. The Court had observed:

> *26. While the judgment in Uma Devi (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between "illegal" and "irregular" appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Uma Devi (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.*

47. It is on this basis that the Supreme Court in ***Prabir Kumar Ghosh & Ors. vs. The State of West Bengal & Ors., rendered in SLP (C) No. 27804 of 2019***:

> *The facility of the school in the neighbourhood was not made available by the official agencies. In a situation such as that the engagement of the writ petitioners cannot strictly be called to be illegal. They were definitely imparting education in keeping with the letter*

and spirit of the legislation enacted by the Parliament being Right to Education Act. In the circumstances, the Division Bench was not justified in setting aside the order passed by the Single Judge. Consequently, we allow the appeal, set aside the order passed by the Division Bench and restore the order passed by the Single Judge of the High Court. The appeal is accordingly, allowed.

48. In **(2013) 4 Cal LT 330 (*Rakhal Chandra Das* v. *State of West Bengal*) at paragraph 26,** this Court observed that such appointments not to be construed as illegal, could be considered irregular. In the case at hand, the appointment letters (Annexure P-1), the Managing Committee's resolution of 26.2.2000 naming the appellants (Annexure P-2), and its representation of 15.7.2011 again naming them (Annexure P-6) were never challenged as forged or fabricated. All of these are admitted facts, which suggest that the Managing Committee did not exceed its authority and create illegal positions.

49. Further, this Court in ***Dhrubajyoti Roy v. State of W.B., 2025 SCC OnLine Cal 6059*** held that:

27. Therefore, it cannot be denied that in order to impart education to students and to satisfy the essential criterion of maintaining a minimum number of students in each class, the existence of an organising managing committee is imperative. Consequently, such a committee would necessarily be compelled to appoint certain individuals to the posts of teaching and non-teaching staff, to keep the school operational and ensure its functional viability.

28. Denying the existence of such a managing committee and the corresponding teaching and non-teaching staff, whether by invoking the provisions of the 1997 Act, the 2005 Act, any government notification, or even the judgment of the Hon'ble Supreme Court in State of Karnataka v. Uma Devi, (2006) 4 SCC 1 (which has, in some cases, been cited by the State to withhold approval of appointments made by organising committees), amounts to a refusal to acknowledge the ground reality. The consequence of such denial would be to displace the very managing committees and staff

> *members who had been instrumental in establishing and operating the school. This, despite the State's willingness to reap the benefits of the institutions established and sustained by their efforts, without offering them any recognition, approval or any benefit in return.*
>
> ***29.*** *In SLP (C) no. 27804 of 2019 (Prabir Kumar Ghosh v. State of West Bengal) the Hon'ble Supreme Court got an occasion to deal with a similar issue when the Hon'ble Court despite taking note of promulgation of 1997 Act, observed as follows:*
>
> *"As the record indicates that the school was set up by the villagers. The facility of the school in the neighborhood was not made available by the official agencies. In a situation such as that the engagement of the writ petitioners cannot strictly be called to be illegal. They were definitely imparting education in keeping with the letter and spirit of the legislation enacted by the Parliament being Right to Education Act."*
>
> ***30.*** *Therefore, applying the reasoning laid down in the case of Prabir Kumar Ghosh (supra), the petitioners' appointments to the posts of teacher and non-teaching staff cannot be deemed illegal.*

50. The school could not have Recruitment Rules for organizing staff before recognition. The Managing Committee that engaged the appellants has never itself been under challenge. Furthermore, through continuous litigation it is these individuals who have kept pursuing the claims against the Respondents on behalf of the school. There is nothing on record to suggest that the Managing Committee was appointed illegally and exceeded its powers to appoint these individuals. Instead, to insist that upon being recognised, the Committee ought to have replaced these individuals, already appointed with those to be brought in through the newly created appointment rules would be a refusal to acknowledge the ground reality. The school could not have remained operational or apply for further recognition without the services of the appellants.

51. We find that the authorities failed to act in terms of the settled principles of law while rejecting the claim of the appellants.

CONCLUSION AND DIRECTIONS:

52. MAT No. 158 of 2024 stands allowed. The judgment and order dated December 21, 2023, passed in WPA 10605 of 2019 is set aside. Accordingly, the order dated January 30, 2019, passed by the Secretary, Education, School Education Department, is also set aside. The writ petition stands allowed with the following directions :

a. The respondent authorities are directed to grant approval to the appointments of the appellants in their respective posts held by them, with effect from May 1, 2009, being the date of revival of recognition of the school.

b. The respondent authority shall, for the purpose of preparing the approval order and service records, look into the originals of the appointments, the originals of the appointment letters, educational qualification certificates, and other credentials of the appellants. Such verification shall be completed within a period of 6 weeks from the communication of the judgment. It is clarified that such verification shall not reopen the findings recorded by the court.

c. If, in the meantime, any appellant has superannuated, his retiral and pensionary benefits shall be revised accordingly, and payment of such monetary benefits shall be made over to the appellant within 12 weeks from the date of communication of this judgment.

d. There shall be no orders as to cost.

53. All parties shall act on the basis of the server copy of this order, duly downloaded from the official website of this Court.Urgent certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

I Agree.

(Rajasekhar Mantha, J.) **(Anuj Singh, J.)**