

National Commission for Scheduled Tribes

File No: - PD/1/2013/STGWB/SEOTH/RU-III

Proceedings of the sittings taken by Shri Ravi Thakur, Hon'ble Vice-Chairperson, National Commission for Scheduled Tribes on 22/09/2014 in the matter of Smt Philomina Dhanwar & others regarding appointment of Primary Teacher in Govt. Aided Minority School.

Date of Sitting- 22/09/2014

List of Participants- (Annexure - I)

National Commission for Scheduled tribes, Regional Office, Bhubaneswar received joint representation dated 10/11/2008 from Smt Philomina Dhanwar & Others reported that they are teaching in St. Josesph Primary School (Aided oldest. Hindi Medium Minority School of North Bengal) as private teachers having fulfilled eligibility and qualification. It is further mentioned that the Managing Committee of the school passed a resolution on 16/07/2001 and prepared a panel on 06/08/2001 under the right granted to the minorities to recruit teachers of their choice on merit under Article 30 of the Constitution of India. The Secretary of the said Managing Committee (hereinafter "Secretary of School") sent the said panel to the District Inspector of Schools (PE), Jalpaiguri, P.O. & District – Jalpaiguri, for approving the said panel to fill up permanent posts of said Primary School Council, Jalpaiguri, vide Memo No. 1253 dated 27/09/2001. The Secretary of School forwarded the same to the said Secretary DPSC vide letter dated 29/10/2001 but despite expiry of about seven years, the said District School Authorities, Jalpaiguri have not approved the panel dated 06/08/2001 till date, and the private teachers are not being regularised.


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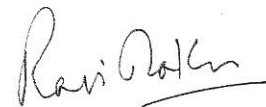
NCST called factual position/report from the Chief Secretary, Govt. of West Bengal and the Secretary, School education Department, Govt of West Bengal vide letter dated 08/10/2013. A copy of the reply received from Elementary Education Branch, School Education Department, Govt. of West Bengal was sent to petitioner vide letter dated 09/12/2013. The petitioner continued processing the case with the Commission and Commission decided to call the concerned authorities.

A sitting was fixed by the Hon'ble Vice-Chairperson, NCST on 22/09/2014 with the Secretary, School Education Department, Secretary, Distt. Primary School Council and the Chairman, Distt. Primary School Council, Govt. of West Bengal in the matter.

The Secretary, School Education Department, Govt of West Bengal did not appear before the Commission nor sent any information in this regard. On behalf of Chairman, District Primary School Council, Jalpaiguri Shri Animesh Mandal, Law Assistant appeared with authorization letter to attend the Sitting scheduled on 22/09/2014.

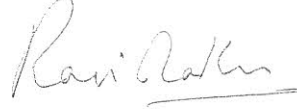
On discussion, Law Assistant mentioned that:-

1. The Distt. Primary Council Jalpaiguri is not panel approving authority and no salary is being paid to complainant (teachers) through Distt. Primary School Council to the School.
2. There is no office record available in report of Smt Philomina Dhanwar and others in the Distt. Primary School Council, Jalpaiguri.
3. The Salary of the teachers are governed by appointing authority not of Missionary of Schools. The Commission asked to give his written statement to the above deposition.
4. That St. Joseph Primary School has been functioning under management of Jalpaiguri District Primary School Council. The Commission decided again write to Chief Secretary,



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Govt. of West Bengal and Secretary, School Education to look into the case and send report to the Commission and petitioner Smt Philomina Dhanwar who have not appeared today may produce the relevant records of the case for further examination.



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