

17.12.2020
Item No.09
Daily List
Court No.25
Krishnendu

**W.P.A. No. 4540 of 2020
With
CAN 1 of 2020
(VIA VIDEO CONFERENCE)**

In re: Sreemoyee Dutta
- Versus-
The State of West Bengal & Ors

Mr. Kallol Basu
Mr. Anindya Bose
Mr. Suman Banerjee
For the Petitioner

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta

For the State

Mr. Debapriya Gupta
Ms. Sucharita Biswas

For the Respondents 5-7

Affidavit of service filed by the petitioner
be kept on record.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner was initially appointed as an assistant teacher in Balika Siksha Sadan (in short, the said school) on and from 1st October, 2010 on contract basis. Such service of the petitioner was subsequently confirmed by the school authorities on and from 1st December, 2014, subject to approval of the respondent no. 3, as would be explicit from the memo dated 28th April, 2015 issued by the respondent no. 5. The petitioner thereafter requested the school authorities to forward all necessary documents

for consideration of her claim in terms of a circular dated 20th September, 2001. He alleges that the school authorities had not forwarded the said documents and the respondent no. 3 also had not taken any decision pertaining to the petitioner's claim.

Drawing the attention of this Court to the averments made in paragraphs 8 and 11 of the writ petition, Mr. Basu further submits that though the school authorities had forwarded the documents of the respondent no. 7, who is junior to the petitioner, to the respondent no. 3 for consideration, the petitioner's documents have not been forwarded. However, the approval for appointment of the respondent no. 7 is still awaited.

Ms. Biswas, learned advocate appearing for the school authorities denies and disputes the contention of the petitioner.

Mr. Chattopadhyay, learned advocate appearing for the State respondents denies and disputes the contention of the petitioner and submits that the managing committee of the said school had not yet forwarded the relevant documents pertaining to the petitioner's claim for consideration in terms of the Government Order dated 20th September,

2001. Let the written instruction, as produced, be kept on record.

In the said conspectus, I am of the opinion that no useful purpose will be served by keeping the writ petition pending and the issue needs to be relegated to the respondent no. 3.

Accordingly, the respondent no. 3 is directed to consider the petitioner's grievance, as ventilated through the representation dated 3rd July, 2019, as annexed at page 28 of the writ petition, upon granting an opportunity of hearing to the petitioner and the school authorities and to take a decision, in accordance with law and to communicate such decision to the petitioner, within a period of six weeks from the date of communication of this order along with a copy of the writ petition.

It is made clear that on the date scheduled for hearing, the school authorities shall appear before the respondent no. 3 and produce all relevant documents pertaining to the petitioner's claim so that the dispute can be resolved.

Needless to observe in the event the petitioner's claim deserves acceptance, all

necessary follow up steps shall be taken by the respondents forthwith.

As the writ petition has been disposed of without calling for affidavits, the allegations levelled in the same shall be deemed to have been denied by the respondents.

With the above observations and directions, the writ petition and CAN 1 of 2020 are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties upon compliance of all necessary formalities.

(Tapabrata Chakraborty, J.)