

17-02-2020
Court No.2
SH/100.

**CIRCUIT BENCH OF
CALCUTTA HIGH COURT
AT JALPAIGURI
WRIT APPELLATE JURISDICTION
APPELLATE SIDE**

W.P.A. 1073 OF 2019

Piyali Dutta Petitioner.

Vs.

The State of W.B. & Ors.... Respondents.

Mr. Debanjan Das.

. . .For the Petitioner.

Mr. Debabrata Dhar (AGP)

Ms. Paramita Sahu.

. . .For the State.

None appears on behalf of the respondent nos.3 and 4 in spite of service. Affidavit of service filed in Court today is taken on record.

The prayer of the petitioner for mutual transfer was allowed by the District Inspector of Schools (SE) Jalpaiguri vide Memo No.779/1(3)D.I./S(S.E)/Jal., dated 11-07-2013. The petitioner joined the transferred School and was performing the duties as Assistant Teacher (History) for the Higher Secondary Section.

The petitioner submits that all on a sudden the Headmistress of Subhasini Girls High School (Higher Secondary) verbally directed the petitioner to take classes in the upper primary Section.

Being aggrieved by the same the petitioner along with other similarly placed teachers made a representation before the Headmistress of the aforementioned School in November 2019. The Headmistress has not responded to the said representation.

As it appears that the petitioner is serving in the Higher Secondary Section and there is no apparent reason for directing the petitioner to conduct classes in the upper primary section accordingly, the petitioner is granted leave to file a comprehensive representation before the District Inspector of Schools (SE), Jalpaiguri highlighting her grievances. In the event such representation is made within a period of three weeks from date, the respondent no.2 herein, being the District Inspector of Schools (HE), Jalpaiguri shall consider the representation made by the petitioner within a period of five weeks from the date of submitting the representation after giving an opportunity of hearing to the petitioner and other interested parties including the School authority and shall pass a reasoned order and communicate the same to the petitioner.

It is made clear that this Court has not gone into the merits of the case and all points are left open to be decided by the said respondent at the time of consideration of the representation to be made by the petitioner.

The Writ petition being WPA 1073 of 2019 is disposed of without any order as to costs.

Urgent Photostat certified copy of this order, if applied for be supplied to the learned advocates appearing for the parties expeditiously on compliance of all requisite formalities.

(AMRITA SINHA, J.)