

ORDER SHEET
WPO/289/2020; GA/1/2020
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

NABANITA PAL
-VS-
STATE OF W.B. & ORS.

BEFORE:
THE HON'BLE JUSTICE SHEKHAR B. SARAF
DATE: 02.12.2020

Mr. S.P. Jana, Adv., for petitioner.
Mr. B.P. Vaisya, Adv.; Mr. J. Banerjee, Adv., for respondents.

The Court: This is an application under Article 226 of the Constitution of India, wherein the writ petitioner is aggrieved by an order passed by the District Inspector of Schools (P.E.), Kolkata, (hereinafter referred to as "the D.I. of Schools), dated July 13, 2017. By this order, the D.I. of Schools approved the appointment of the petitioner with effect from February 22, 2017.

The petitioner submits that since the petitioner had joined the School in 2009 and her services had been confirmed on July 1, 2010, the appointment is required to be approved with effect from July 1, 2010. Mr. Jana, appearing on behalf of the petitioner, relies upon a judgment in W.P. No.543 of 2017 (Pushpa Jha & Ors. –vs- State of W.B. & Ors.), wherein a co-ordinate Bench of this High Court had directed similar approvals to be granted from the date of confirmation of the petitioners.

Mr. Vaisya, appearing on behalf of the D.I. of Schools, submits that this writ petition is not maintainable as it seeks modification of an order passed by a co-ordinate Bench.

This submission of Mr. Vaisya has no merit as that is not the case which is clearly seen from a perusal of the records.

In light of the above, the D.I. of Schools is directed to approve the appointment of the petitioner from the date the petitioner was confirmed in the School, i.e., July 1, 2010. The above should be done within a period of four weeks from date.

With the above directions, the writ petition accordingly stands disposed of. Since the hearing has been taken up, the urgency application bearing G.A. No.1 of 2020 also stands allowed.

Since no affidavits have been used, the allegations contained in the petition are not admitted.

(SHEKHAR B. SARAF, J.)

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