

18.03.2021

ss

W.P.A. 5678 of 2021

Priti Santra

Vs.

The State of West Bengal & ors.

Mr. Kallol Basu

Mr. Nilanjan Pal

Mr. Swapnamoy Sarkar

... for the Petitioner

Mr. Susanta Pal

Sk. Md. Masud

... for the State

By an order dated February 11, 2021, the Administrator of Howrah Binodini Balika Vidyabhaban, Howrah directed the petitioner to act as a teacher-in-charge of the concerned school on and from February 12, 2021. The petitioner immediately wrote to the Administrator on the same day that due to health issue she was unwilling to take charge of teacher-in-charge and requested the Administrator to appoint somebody in her place and stead.

By the letters dated February 24 and February 25, 2021 the Administrator once again requested the petitioner to continue to act as a teacher-in-charge and also requested the petitioner to show the documents with regard to medical illness from the approved Government hospital.

Mr. Bose, learned Counsel appearing on behalf of the petitioner submits that the petitioner cannot be forced to take up an additional responsibility in the nature of teacher-in-charge.

Mr. Bose also submits that it is mandatory that the petitioner agrees to take up the additional charge and there are no rules to show that any teacher can be forced to take up the charge of teacher-in-charge.

In light of the above, the Administrator is directed to grant an opportunity of hearing to the petitioner and thereafter pass a reasoned order within a period of ten days from date. The reasoned order is to be communicated to the petitioner within two days thereafter.

Needless to mention, the order dated February 11, 2021 is quashed and set aside.

With the above observations, this writ petition is disposed of.

Since no affidavit-in-opposition is called for, allegations made in the writ petition are deemed not to have been admitted.

Supplementary affidavit filed by the petitioner be kept with the record.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)