

29 22.03.2021

Ct-12

ar

MAT 285 of 2021
with
I.A No. CAN 1 of 2021
CAN 2 of 2021

The Administrator of Chakkashi Shyam
Sundar High School and Anr.
Vs.
Suvendu Chakravarty & Ors.

Mr. Anami Sikdar
Mr. Animesh Bhattacharya
... For the Appellants

Mr. Partha Sarathi Bhattacharyya
Mr. Raju Bhattacharyya
Mr. Arunava Maiti
... For the Respondent no. 1/writ petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
... For the State

Although the matter is appearing under the heading application, by consent of the parties we take up the appeal itself for hearing by treating the same as on day's list.

The appeal is at the instance of the Administrator of Chakkashi Shyam Sundar High School (Government Sponsored) and the teacher-in-charge of the said school.

The grievances of the appellants is that they had no notice of the proceedings initiated by the writ petitioner of WPA 733 of 2020 and in spite thereof adverse inference was made against the school authorities by the learned single judge.

The second contention is that the writ petitioner was the headmaster at the relevant point of time and he had taken away his service records including M.C. Resolution Khatas maintained during his tenure.

It is submitted that since the service book

has been taken away by the writ petitioner it is not possible to comply with the order passed by the learned single judge relating to preparation of pension papers of the writ petitioner.

In this application an allegation is made that if the attention of the trial court was drawn to an earlier writ petition being WP 24945(w) of 2018, the learned single judge could not have passed the said order.

Mr. Partha Sarathi Bhattacharyya, learned senior counsel appearing for the respondent no. 1/writ petitioner, has produced before us the documents, which indicates that the administrator of the school was served. On the basis of the documents produced before us it is undeniable. Therefore, the contention of the administrator that he was not aware of the proceeding is incorrect. Moreover, the said application was made by the teacher-in-charge of the said school and not by the administrator of the said school. Mr. Bhattacharyya has drawn our attention to paragraph 9 of WPA 733 of 2020 in which a clear reference is made to the pendency of WP 24945(w) of 2018. We accordingly caution the administrator for such reckless statements including the appellant no. 2. However, the fact remains that the school was not heard when the impugned order was passed. The school authorities did not have the relevant documents for processing the pension papers of the writ petitioner. So the direction passed by the learned single judge could not be complied with.

In view thereof, we dispose of the appeal and application by modifying the impugned order to the extent that the appellants and the writ petitioner shall be present before the District Inspector of Schools (S.E), Dakshin Dinajpur at

the date and time to be fixed by the said authority after being communicated this order to the District Inspector of Schools (S.E), Dakshin Dinajpur within one week from date for preparation of pension papers.

The District Inspector of Schools (S.E), Dakshin Dinajpur is directed to comply the above-mentioned exercise within a period of four weeks from the date of communication of this order.

After preparation of the pension papers of the writ petitioner in terms of above direction passed today, the District Inspector of Schools (S.E), Dakshin Dinajpur is directed to transmit the pension papers of the writ petitioner to the office of the Directorate of Pension, Provident Fund and Group Insurance, West Bengal for taking necessary steps for releasing the retiral dues of the writ petitioner upon issuance of Pension Payment Order.

There shall be no order as to costs.

(Saugata Bhattacharyya,J.) (Soumen Sen, J.)

