

18 21.09.2021
rkd Ct.05

W.P.A. 12824 of 2021
(Through Video Conference)

Soma Das
-vs-
The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh

....for the petitioner.

Mr. Suman Chakraborty

....for the respondent.

Ms. Chama Mukherjee,
Mr. Bhakti Prasad Das

....for the State.

Affidavit-of-service filed in Court is taken on
record.

Writ petitioner was an assistant teacher in Kalipur Swamiji High School (H.S.), District- Hooghly (for short 'first school') till 15th March, 2017 and subsequently, she was transferred to the post of assistant teacher in Prabartak Nari Mandir High School (H.S.), District- Hooghly (for short 'second school') and she joined the transferred post on 16th March, 2017. From 16th March, 2017 petitioner has been discharging duty as an assistant teacher of second school. The grievance of the writ petitioner is that in spite of transfer of the petitioner from first school to second school with

effect from 16th March, 2017 till date the service book of the petitioner as well as other relevant documents relating to her service including the statement relating to the provident fund account have not been authenticated by the first school and still those documents including the service book are lying with the first school. Petitioner is aggrieved by such inaction on the part of the first school in transmitting those documents to the second school authority and due to failure on the part of the first school authority to transmit such documents the fixation of pay of the writ petitioner could not be made from 1st January, 2020 in the second school.

Mr. Chakraborty, learned advocate appears on behalf of the first school authority and submits that the issue is kept pending since there are certain issues on availing of leave by the writ petitioner during her tenure as an assistant teacher in the first school. Certain clarifications are required from the writ petitioner prior to sending her service book to the second school.

This Court has considered the submissions made on behalf of the learned advocates representing the parties to this writ petition. In

order to settle the disputes once for all this Court finds it fit to direct the District Inspector of School (S.E.), Hooghly to ask the writ petitioner and first school authority (Kalipur Swamiji High School) on 1st October, 2021 at twelve noon to his office along with necessary records and the concerned District Inspector of Schools (S.E.) shall in presence of the first school authority as well as the writ petitioner finally make the service book of the writ petitioner ready with the assistance of the first school authority and the writ petitioner and thereafter, take necessary steps for transmitting those documents to the second school (Prabartak Nari Mandir High School). The second school authority on receipt of the relevant documents shall take necessary steps for fixation of pay of the writ petitioner which could not be done due to absence of necessary papers relating to the service of the writ petitioner, within a reasonable time.

With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of

this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)