

Ct. 05
Item No.10
02.09.2021
(suvendu)

WPA 12822 OF 2021

(VIA VIDEO CONFERENCE)

Silpa Chattopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Koushik Chawdhury
Mr. Somesh Ghosh
.....for the petitioner
Ms. Koyeli Bhattacharjee
.....for the Board
Mr. Supriyo Chattopadhyay
Ms. Sayantanee Bhattacharjee
.....for the State

This is a writ petition at the instance of a newly appointed Assistant Teacher in Gopalganj Priyanath Banibhaban (HS) School, who joined the institution on 8th July, 2020, pursuant to the appointment letter issued by the West Bengal Board of Secondary Education dated 20th March, 2020. It also appears from page 16 of the writ petition that the petitioner was recommended by the Chairman, West Bengal Central School Service Commission vide memo dated 14th January, 2020 for her appointment in the post of Assistant Teacher in the concerned school. Pursuant to the joining of the petitioner as an Assistant Teacher in the school in question upon issuance of appointment letter dated 20th March, 2020, the petitioner has been discharging duty as an Assistant Teacher but due to want of approval of her appointment she has not been

receiving monthly salary and other emoluments from the date of her joining on 8th July, 2020. It further appears that a letter was submitted by the petitioner on 8th July, 2020 addressed to the concerned school authority for taking necessary steps in this regard. The petitioner is not in a position to apprise this Court whether the proposal for approval of her appointment has been forwarded by Gopalganj Priyanath Banibhaban (HS) School to the District Inspector of Schools (SE), Purba Medinipur till date.

The State is represented by Mr. Supriyo Chattopadhyay, learned Senior Government Advocate, duly assisted by Ms. Sayantanee Bhattacharjee, learned advocate. The Board of Secondary Education is represented by Ms. Koyeli Bhattacharyya, learned advocate.

Mr. Chattopadhyay submits that if the proposal is forwarded by the concerned school authority to the District Inspector of Schools (SE), Purba Medinipur, in that event the District Inspector of Schools (SE), Purba Medinipur shall take necessary steps with regard to approval of the appointment of the writ petitioner.

Considering the rival contentions of the respective parties, this Court directs the school authority, being the respondent nos. 7 and 8, to forward the proposal for approval of appointment of the writ petitioner to the District Inspector of Schools (SE), Purba Medinipur, being the respondent no. 9, within a period of fortnight from the date of communication of this order, if till date

such proposal has not been forwarded. The concerned District Inspector of Schools is directed to take decision on approval of appointment of the writ petitioner on receipt of such proposal within a period of four weeks from the date of receipt of such proposal or from the date of communication of this order if such proposal has already been submitted before him, and pass necessary order. While taking such decision the respondent no.9 shall exclude the time during which the writ petitioner could not join the school after issuance of appointment letter dated 20th March, 2020 due to state wide lock down on account of Covid 19 pandemic since the writ petitioner as per the appointment letter was required to join within fifteen days. If the approval for appointment of the writ petitioner is accorded by the concerned District Inspector of Schools, necessary steps to be taken for payment of salary and other emoluments to the petitioner including arrears by the concerned authorities and in the event of refusal of such approval, the concerned District Inspector of Schools is directed to assign reason in support of such refusal.

Accordingly, the writ petition is disposed of without any order as to costs.

All parties to act on the basis of the server copy of this order downloaded from the official website of this Hon'ble Court.

(Saugata Bhattacharyya, J.)