

Court No. 17

WPA 14523 of 2019

03.12.2021

(AD 71)

(S. Banerjee)

Susmit Das

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Ekramul Bari
Mr. Siddhartha Sankar Mandal
Ms. Arunima Das Sharma

... for the petitioner

Mr. Bidhan Biswas

... for the respondent nos. 6 and 7

Let the affidavit of service filed in court today be kept on record.

The petitioner's prayer is that the letter written by the headmaster of the school dated 12.05.2016 is to be set aside.

I do not find any reason to set aside the said letter. However, the petitioner's prayer for consideration of his representation made to the administrator of the school namely, Adarsh Madhyamik Vidyalaya, has not been considered as yet by the administrator. This court once directed the petitioner to send such representation to the administrator, whether it was done or not is a disputed question of fact as is found from the said letter of the headmaster dated 12.05.2016.

However, as the matter relates to leave of the petitioner and the continuation in his provident fund, I direct the concerned District Inspector of Schools, being the respondent no. 3, to consider the representation which is at Annexure P-12 at page 74 of the writ

petition, after giving an opportunity of hearing to the petitioner and to the headmaster of the school.

I am told by the learned advocate appearing for the school that now the administrator is not there but there is a managing committee.

Therefore, I am directing the headmaster to be present before the said District Inspector of Schools, Kolkata.

The petitioner is directed to send a copy of this representation, which is at page 74 of the writ application, to the respondent no. 3 within a period of 10 days from date and the respondent no. 3 is directed to fix a hearing within a period of 30 days after receiving the said representation, (page 74 of this application) and hear the petitioner and the headmaster over the issue and take a decision.

Such decision of the District Inspector of Schools is to be communicated to the parties by 15 days from the date of taking such decision. Whether the parties will be allowed to produce some papers in support of their contention is to be decided by the District Inspector of Schools.

With this order, the writ application stands disposed of.

(Abhijit Gangopadhyay, J.)