

40
AKG 02-12-2021
Ct.11

WPA 17813 of 2018

Tapasi Halder alias Tapasi Gharami
Versus
The State of West Bengal & Ors.

(VIA VIDEO CONFERENCE)

Mr. Goutam Dey
Mr. Rajesh Naskar
Mr. Dipendu Sarkar
...for the Petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
...for the State

Learned counsel for the respondent nos. 1 to 4 has prayed for extension of time for filing affidavit in opposition but it reveals that the respondent nos.1 to 4 has nothing to disclose as the certificate issued by the Headmistress categorically certified that the petitioner had worked in the said school for the said period hence the prayer for extension of filing affidavit in opposition on behalf of the respondent nos.1 to 4 is rejected.

The petitioner has filed the instant writ application praying for release the salary for a period from 1st February, 2018 to 21st April, 2018 as she has worked in Patunighata Girls High

School as Assistant Teacher for the said period. The contention of the petitioner has been revealed from the certificate issued by the Headmistress of the said school dated 23rd May, 2018 wherein the Headmistress has certified as follows:-

“This is to certify that Tapashi Halder daughter of Harisadhan Halder a resident of vill – Kharbati P.O. Nalua P.S. Mathurapur District – 24 Pgs(S) Pin 743354 was working in our school as Assistant Teacher from 1st Feb 2018 to 21st April 2018. She was regularly taking Sanskrit classes and other subjects till class VIII.

I wish her each and every success in life.”

From the said certificate, it has been established that the petitioner has performed her duty as Assistant Teacher from 1st February, 2018 to 21st April, 2018 in the said school.

The learned counsel for the respondent nos.1 to 4 has submitted that the respondent nos.1 to 4 are not liable to pay any amount to the petitioner, as this is the duty of the school authority to pay the same.

Learned counsel of the respondent nos.1 to 4 has produced a copy of the letter dated 4th January, 2019 issued by the Headmistress of the said school wherein she had apologised on behalf of the school authority on the ground that the petitioner was engaged as Part Time

Teacher without the approval of the committee. From the said letter, it is also admitted that the petitioner had worked in the said school for the said period.

The school authority is not appearing before the Court and had also not filed affidavit in opposition in spite of a specific direction passed by this Court.

This Court has no other option to dispose of the writ application by directing the respondent nos.5 and 6 to release the payment of the petitioner for a period from 1st February, 2018 to 21st April, 2018 within a period of eight weeks from the date of receipt of this order.

WPA 17813 of 2018 is disposed of.

(Krishna Rao, J.)