

Item No.20

16.12.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 7593 of 2020
Lalita Masat (Chakrovorty)
v.
The State of West Bengal & Ors.
with
CAN 1 of 2020

Mr. Fazle Rabi
... for the petitioner.

Mr. Ranjan Saha
... for the State respondents.

Mr. Subir Sanyal
Ms. Sumita Sen
... for the Council.

Mr. Raja Saha
Ms. Arpita Saha
Mr. Sanjoy Mukherjee
... for the Commission.

The petitioner prays for a direction upon the respondent authority for issuance of the letter of appointment in her favour.

It appears from the submission made on behalf of the parties and the instruction forwarded by the District Primary School Council, Birbhum that the Chairman of the Council vide a communicating Memo No. BDOSC/GEN/1258/21 dated February 4, 2021 forwarded the case of the petitioner to the Commissioner of School Education for approval if deemed fit.

Learned advocate for the Council submits that thereafter no communication was made from the end of the Commissioner of School Education.

As it appears that the Commissioner of School Education is yet to take a decision with regard to the communication made by the Chairman of the Council way back in February 2021, accordingly the writ petition is disposed of by directing the Commissioner of School Education being the respondent no. 2 herein to take a decision with regard to the communication made by the Chairman of the Council on February 4, 2021 in accordance with law and in the light of the judgment passed by the Hon'ble Supreme Court on January 24, 2019 in Civil Appeal No. 1071 of 2019 arising out of SLP(C) No. 29518 of 2016 at the earliest, but positively within a period of ten weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward a copy of the communicating memo dated February 4, 2021 issued by the Chairman, Birbhum District Primary School Council to the Commissioner of School Education at the time of communicating the order of this Court.

The instruction given by the learned advocate for the Council is retained with the records.

The writ petition and the connected application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)