

29.03.2022
SL No. 33
Court No. 24
(P.M)

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 1116 of 2022

**Sushmita Maity (Jana)
Vs
The State of West Bengal & Ors.**

Mr. Nilay Sengupta,
Mr. Sujit Banerjee
... for the petitioner

Mr. Ranjan Saha
... for DPSC Paschim Medinipur

Mr. Pinaki Dhole,
Mr. Abhishek Prasad
... for the State.

The petitioner happens to be the Headmistress of Chaksahapur Primary School, Debra East Circle, Paschim Medinipur. In January 2018, for administrative reason, she was requested to serve temporarily in Paramhansa Part Basic Primary School.

The Sub-Inspector of Schools, Debra East Circle by an order dated 27th December, 2021 directed the petitioner to revert to her mother school i.e. Chaksahapur Primary School and to submit rejoining report in the mother school within 30th December, 2021.

The grievance of the petitioner is that the respondent No. 4 who happens to be the Panchayet member as well as the School President is obstructing her from rejoining the said school.

The petitioner on repeated occasions went to the school for joining but she has been restrained from doing so.

The petitioner immediately filed the instant writ petition in January 2022 praying for a direction upon the respondent authorities to allow her to rejoin the school and assume charge as Headmistress.

Learned advocate representing the State respondents received instruction from the District Inspector of Schools (Primary Education) Paschim Medinipur wherein it has been mentioned that on 30th December, 2021 the petitioner went to join her mother school, but some locals restrained her from entering into the school.

She immediately reported the incident to the concerned Sub-Inspector of Schools and also intimated the matter to the Chairman of the District Primary School Council to intervene in the matter and enable her to join the said school.

Learned advocate representing the Paschim Medinipur District Primary School Council submits, upon instruction, that in the interest of the school the

petitioner was directed to revert to her mother school, but unfortunately some outsiders are obstructing her to enter the school for rejoining. The teacher tried twice for joining her school but failed to join. The office of the Paschim Medinipur District Primary School Council intimated the matter to the local police station vide Memo No. 154/ES dated 18th January, 2022.

It appears from the submission made on behalf of all the parties that even though there is an order in favour of the petitioner directing her to rejoin her mother school, but there are certain persons who are restraining her from joining.

The petitioner has sought help from the office of the District Inspector of Schools as well as the District Primary School Council. Till date, the petitioner has not been permitted to join the school even though she made best efforts to rejoin the same.

In view of the above, the instant writ petition is disposed of by directing the Officer-in-Charge, Debra Police Station, Paschim Medinipur to render all necessary help and assistance to the petitioner so that she can enter into the school for the purpose of rejoining the same.

In the event, the Officer-in-Charge faces any difficulty in complying the order passed herein above,

then necessary steps shall be taken by the Officer-in-Charge to take assistance of the superior authority for the purpose of compliance of the direction passed herein above.

The police is directed to initiate appropriate proceedings against the persons who are causing obstruction and restraining the petitioner from discharging her official duties.

The Chairman of the District Primary School Council, Paschim Medinipur as well as the District Inspector of Schools (Primary Education), Paschim Medinipur shall also ensure that the petitioner can join the school and take charge without any further delay.

The writ petition stands disposed of.

Instruction given by the District Inspector of Schools (Primary Education), Paschim Medinipur dated 23rd March, 2021 and instruction given by the Chairman, Paschim Medinipur District Primary School Council dated 21st January, 2022 be retained with the records.

None appears to press CAN 1 of 2022. Accordingly, CAN 1 of 2022 is dismissed. It is recorded that copy of the connected application has not been served upon either of the parties.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)