

Court No. 17

WPA 1660 of 2022

30.03.2022

Smt. Paramita Dey

(AD 2)

Vs.

The State of West Bengal & Ors.

(S. Banerjee)

Mr. Biswaroop Bhattacharya

Mr. Arkaprava Sen

Mr. Rahul Kumar Singh

... for the petitioner

Mr. Supriyo Chattopadhyay

Ms. Sayantanee Bhattacharya

... for the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

Ms. Koyeli Bhattacharya

... for the WBBSE

Mr. Ashis Kumar Chowdhury

Ms. Sabnam Sultana

... for the respondent nos. 9 and 10

Mr. Rajarshi Basu

... for the respondent no. 11

Learned advocate for the West Bengal Board of Secondary Education wanted to refer to some judgements where tendered resignation, though accepted, was set aside by the court of law including the Hon'ble Supreme Court. She has failed to show creation of any third-party interest after such tendering of resignation.

Here the case is entirely different from the judgements referred to by the said learned advocate

without placing any copy of the judgements. She has made only oral references that too without giving any citation.

However, I do not blame the said learned advocate as she has succinctly put her point what she wanted to say. Only difference here is that a third-party interest has been created.

Learned advocate for the respondent no. 11, i.e., the teacher who tendered resignation and whose resignation was accepted has intimated this court that she is willing to go to another school, namely Keshabpur High School which is 15 kilometers away from Santragachi Kedarnath Institution for Girls where she was working earlier and from where she tendered her resignation that was accepted by the school.

The Board submits that the school authority has no power to accept such resignation.

I am not going into such questions. When the respondent no. 11 wants to join the Keshabpur High School, this court will not make any observation in respect of her wish. If the authorities think that she can be given appointment in the Keshabpur High School, they may take such a decision.

The only point with which this court is concerned whether the petitioner's placement in Santragachi Kedarnath Institution for Girls can be disturbed or not regarding which I am of the firm opinion that her

appointment in Santragachi Kedarnath Institution for Girls cannot be disturbed by the Board and it is a matter of surprise to this court that it is the Board who issued the appointment letter to the petitioner for Santragachi Kedarnath Institution for Girls. Now the Board cannot blow hot and cold and cannot be allowed to say that the petitioner should move elsewhere and the respondent no. 11 will be appointed in Santragachi Kedarnath Institution for Girls.

A comprehensive list of dates have been filed by the petitioner which is kept on record.

Therefore, the matter is decided in favour of the petitioner and she shall not be transferred to any other school. She will work in the Santragachi Kedarnath Institution for Girls and I do not make any comment as to the appointment of respondent no. 11 in other school.

With the above observation this writ application is allowed.

The impugned orders dated 29th November, 2021 passed by the West Bengal Board of Secondary Education (vide Annexure P-13) and the order issued by the District Inspector of Schools dated 17th January, 2022 (vide Annexure P-14) as a consequence of the Board's order are set aside and quashed so far as the petitioner is concerned.

As a consequence, the letter written by the President of the Board to the Commissioner of School Education requesting him to recommend the transfer of Paramita Dey, the writ petitioner herein, to nearest vacancy is also set aside and quashed.

The respondent no. 11 has prayed before this court that she would file an application before the District Inspector of Schools for transfer to the Keshabpur High School.

The District Inspector of Schools is directed to consider such application of the respondent no. 11 actively within a period of three weeks from the date of communication of this order and the District Inspector of Schools is required to communicate his decision to the respondent no. 11 within a period of 30 days from the date of communication of the order.

(Abhijit Gangopadhyay, J.)