

21.06.2022
Court No.13
Item No.35
AP

WPA 2340 of 2019

**Paramita Roy
Vs.
The State of West Bengal and Ors.**

Mr. Syed Mansur Ali

... For the Petitioner.

Ms. Sanghamitra Nandy

... For the State.

The petitioner is aggrieved by the fact that she is not receiving pension. The petitioner came to know on 15th November 2016 that the District Inspector of Schools, Secondary Education, Kolkata has committed a mistake in the communication dated 9th September 2016. The petitioner, Paramita Roy, who was appointed in the school in 1992 was given a substantive post of Assistant Teacher in Social Science Group in place and instead of one Indira Ghosh. The petitioner was actually absorbed in the substantive post as a consequence of vacancy in the school in the Social Science Group caused by the retirement of one Malabika Roy who retired on 21st June 2005.

It further appears from the order of the concerned District Inspector of Schools that one Suparna Nandy (nee Aich) has been absorbed in place and instead of said Malabika Roy mistakenly with effect from 21st June 2005. The school having detected the mistake addressed communication to the concerned

District Inspector of Schools on 15th November 2016 and enclosed therewith a resolution to seek the rectification of the mistake in the orders of the District Inspector of Schools dated 9th September 2016. The resolution is annexed to the writ petition. The school sent a reminder on 29th September 2016, 9th October 2018 and 7th December 2018 which has not been replied to.

A reply to an RTI application made by the petitioner to the concerned District Inspector of Schools has confirmed that the appeal of the school has not been considered by the concerned District Inspector of Schools till date.

In these circumstances, the District Inspector of Schools, Secondary Education, Kolkata shall forthwith consider the request of the school namely Patha Bhavan as contained in the letters dated 15th November 2016, the resolutions of the managing committee dated 29th September 2016, further letters dated 9th October 2018 and 7th December 2018 positively and mandatorily within a period of two months from date.

The writ petitioner, the school as well as Suparna Nandy (nee Aich) shall be heard by the concerned District Inspector of Schools. The District Inspector of Schools shall verify the records and pass suitable orders upon such consideration and communicate the same to the petitioner within seven days thereafter.

The petitioner shall serve a copy of this order upon Suparna Nandy (nee Aich).

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

Learned counsel for the State has produced a report in the form of instructions issued by the District Inspector of Schools (SE), Kolkata addressed to the learned State Advocate and the same is taken on record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)