

Item No.43

21.01.2022
Ct-24

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

WPA 20885 of 2021
Ashalata Debnath
v.

The State of West Bengal & Ors.

Mr. A. Poddar
Ms. Pallavi Gogoi
... for the petitioner.

Mr. Tapan Kumar Mukherjee
Mr. Tuli Sinha
... for the respondents.

Mr. Sandip Kumar De
Mr. Abhijit Sarkar
... for the respondent nos. 6.

The reasoned order dated July 30, 2021 passed by the Principal Secretary, School Education Department is impugned in the instant writ petition.

The issue relates to approval of the service of the petitioner in the Duff Primary School for Girls.

The petitioner happens to be the 13th teacher who has been appointed by the school but the service of the petitioner has not been approved by the Government on the plea that the post in question is not sanctioned.

The petitioner has annexed documents to show that she was appointed against the vacancy created due to retirement of one Smt. Anjushree Arinda who was an approved teacher of the said school.

The communication of the Secretary of the school to the District Inspector of Schools dated September 2020 giving details of approval of appointment of fourteen assistant teachers of Duff Primary Schools for Girls along with the Primary Teacher Account(P.T.A/c) numbers where the salary of the teachers are credited is annexed at page 62 of the writ petition.

The petitioner has also annexed documents to show that the said Smt. Anjushree Arinda received salary from the State exchequer and the acquittance roll showing that she received the payment upon making signature is also annexed.

The Principal Secretary in the impugned order has mentioned that as neither the school authority nor the office of the District Inspector of Schools (P.E.), Kolkata was able to produce any supporting document in respect of the vacancy against Smt. Anjushree Arinda, the said post cannot be considered as sanctioned vacant post of the school.

The impugned order also mentions that liberty is given to the school authority to submit supporting documents in future, if available, in respect of the aforesaid post to the concerned District Inspector of Schools to take necessary steps as per existing norms.

The learned advocate representing the school submits, upon instruction, that there are thirteen

approved sanctioned posts of teachers in the said school. All the thirteen teachers received payment from the State exchequer. It has been submitted that the school has enough documents to show that all the thirteen posts including the post of Smt. Anjushree Arinda was sanctioned by the State.

As it appears that both the petitioner as well as the school authority asserts the fact that there are thirteen sanctioned posts in the school, accordingly the school authority as well as the petitioner are granted leave to forward all the supporting documents to the office of the District Inspector of Schools (Primary Education) Kolkata at the earliest.

The District Inspector of Schools shall take a fresh decision in the matter after verification of the records produced by the petitioner as well as the school authority at the earliest, but positively within a period of eight weeks from the date of receipt of the documents as mentioned hereinabove.

The District Inspector of Schools shall pass a reasoned order and communicate the same to the parties immediately thereafter.

The District Inspector of Schools is directed to afford an opportunity of hearing to the petitioner as well as the school authority for producing all necessary

documents in support of sanction of the thirteen posts of the school prior to taking a decision in the matter.

The District Inspector of Schools shall be at liberty to call for necessary documents from the Bank to ascertain whether payment was made in favour of Smt. Anjushree Arinda from the State exchequer.

The writ petition stands disposed of.

Instruction given by the District Inspector of Schools (P.E) Kolkata to the learned advocate is retained with the records.

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

Sh

(Amrita Sinha, J.)