

19.01.2022
Item No. 18
Ct. No.17
S.A.

WPA 21236 of 2021

(Via Video Conference)

Soma Roy

-vs-

The State of West Bengal & Ors.

Md. Manuwar Ali
Ms. Sifa Sultana
...for the petitioner
Mr. Arup Banerjee
...for the school
Mr. Rezaul Hossain
...for the State

Learned advocate for the petitioner has submitted that the petitioner has not been given 'no objection' by the school as one writ application being WP 20188 (W) of 2019 is pending. I do not understand how pendency of the writ application can stand in the way of the Head of the institution to give him one 'no objection'. The ground is absolutely flimsy and baseless.

Learned Advocate for the school apart from the above ground has made submission from the Bar that the school is running shortage of teachers as the school has 725 number of students. This also cannot be a ground for not issuing a 'no objection' certificate by the school.

Learned advocate for the school has drawn my attention to an incorrect statement made by the petitioner as to her divorce which is also not correct

and has been admitted by the writ petitioner and he has stated that he does not want to take any advantage of this incorrect statement. It was a mistake due to hurried preparation of the writ application along with another application. I am not going into this dispute.

I have already found that the reason what has been given in the refusal document as to pendency of the writ application cannot be a ground. The other ground relating to the shortage of staff I say that it is a matter to be looked into by the School Education Department and School Service Commission and for this reason, 'no objection' cannot be denied by the school.

Hence, I direct the Head of the institution to issue 'no objection' certificate by 21.01.2022 and upload it to the Utsasree Portal and sent the same to the District Inspector of Schools by that date i.e. on 21.01.2022.

With the above observation and direction, this writ application is disposed of.

Affidavit of service filed in the Court today be kept on record.

(Abhijit Gangopadhyay, J.)