

Court No. 22
29.11.2022
(Item No. 41)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 22085 of 2022

Dulali Pain
VS
The State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Ambiya Khatun
..... for the petitioner
Mr. Supriyo Chattopadhyay
Mr. Suman Dey
..... for the State
Dr. Sutanu Kumar Patra
Ms. Debalina Chakraborty
.... For WBCSSC

The petitioner claims that at present she is an **Assistant Teacher** subject **Bengali** at **Lurka Deshbandhu High School (H.S.)**. Seeking transfer from such school she filed a previous writ petition being **WPA 21189 of 2021**. A co-ordinate bench by its order dated April 1, 2022 disposed of the said writ petition, inter alia, with the following observation:

“I cannot direct the School Service Commission who is a party here to place the petitioner in that school but I direct the School Service Commission to show the petitioner the name of other school including this one in a limited counselling within a period of two weeks from the date of communication of this order and on the basis of her selection the recommendation would be made. However, one interim order is required to be passed in this respect so that the third time ill luck does not strike the petitioner. So, I direct all the authorities including the School Service Commission and West Bengal

Board of Secondary Education not to recommend and issue appointment letter to any person in the post of Bengali (Hons./PG) in Bankura Sibsanakar Uccha Balika Vidyalaya for four weeks from date and to communicate this order.”

According to the petitioner, the relevant State authorities did not comply with the said direction which led the petitioner to file the instant writ petition.

Pursuant to direction made in this writ petition the respondent No. 3 had filed the report which was taken on record on November 21, 2022.

On a close scrutiny of the said report read with the direction made by the Co-ordinate bench in the previous writ petition as quoted above, it appears to this Court that, a wide latitude was granted to the State authority in the order passed in her writ petition but the State authority ought to have exercised its discretion much more in line of the said wide latitude given to them.

In view of the above, the respondent Nos. 9, 10 and 11 along with respondent No. 3 are directed in consultation with each other to resolve the issue strictly in accordance with law and following the observation made by the co-ordinate bench in the previous writ petition in its order dated April 11, 2022.

The entire exercise as directed above, shall be carried out and completed by the relevant

respondents as directed above positively within a period of eight weeks from the date of communication of this order. The respondent Nos. 9 and 10 shall communicate the decision to the respondent No. 11, who shall take all the consequential steps thereupon forthwith.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner.

Since affidavits are not called for the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 22085 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)