

05.07.2022
Court No.1
Item No.27
pk/AP

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**MAT 12 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021
With
CAN 3 of 2021**

**The Director of Pension, Provident Fund and
Group Insurance, Uttar Kanya and Ors.
Vs.
Indrani Chowdhury and Anr.**

Mr. Suman Dey
Mr. Momenur Rahman

... For the Appellants.

Mr. Sakti Pada Jana
Mr. Debjit Kundu

... For the respondent/writ petitioner.

Mr. Bikramaditya Ghosh

... For the State.

The appeal is directed against an interim order passed by the learned Single Judge on 2nd June 2020.

The short question is as to whether the petitioner's appointment could at all have been approved by the District Primary School Council. Admittedly, six Group-D staff were appointed and approved only to receive salary and emoluments from the State exchequer on 17th March 1988. The petitioner's name does not feature in that list. The petitioner, however, very strangely came to be appointed as a Group-D staff as a Matron in Sishu

Mahal K.G. (Pre-Primary) School at Jalpaiguri and has been drawing salary and emoluments from the State. Her service has also been approved by the Jalpaiguri District Primary School Council as per purported government order.

Admittedly, there is no provision for appointment of any Group-D staff in any primary school under the control of the State.

The issue whether the petitioner was at all lawfully appointed in the said school and as to whether the approval was lawfully obtained by the District Primary School Council or not and the orders of the State and any subsequent orders with regard to the petitioner's appointment, service and retirement are lawful or not, is an issue that has to be dealt with after receiving affidavits in the matter.

In that view of the matter, this Court interferes with the order dated 2nd June 2020 to a limited extent that no payment need be made to the petitioner during the pendency of the writ petition. Any entitlement and/or payment to the writ petitioner shall abide by the final result of the main writ petition.

The State shall stay its hands both with regard to any reduction or any payment to the writ petitioner until disposal of the writ petition being WP 5421 (W) of 2020.

With the aforesaid observations, the appeal and the connected applications, if any, shall stand disposed of.

There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)