

38 13.02.2023  
Sc Ct. no.22

**WPA 387 OF 2023**

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Smt. Anjana Nag

Vs.

The State of West Bengal & Ors.

Mr. Saktipada Jana

.... For the Petitioner

Ms. Chaitali Bhattacharya

Mr. Kartik Chandra Kapas.

.... For the State

Affidavit-of-service, filed in Court today, is taken on record.

The petitioner claimed to be a retired **Head Mistress**, at **Matuari Girls' Academy High (H.S.), District – Nadia**. The petitioner claimed arrears towards dues of salaries arose after re-fixation of pay scale with effect from July 1, 2008 and, accordingly, the actual amount payable to her for the period between April, 2009 till January 2022. The petitioner retired on January 31, 2022. The respondent no.3 had sanctioned the amount as would be evident from the communication of the relevant school at page 25 to the writ petition. The case is also pleaded in paragraph 8 to the writ petition.

Mr. Saktipada Jana, learned counsel appearing for the petitioner drawing attention to the representation of the petitioner dated December 20, 2022, **Annexure – P6 at page 43 to the writ petition** submitted that the State authority despite receipt of such representation had not taken any step thereupon.

Ms. Chaitali Bhattacharya, learned counsel appears for the respondent nos. 1 to 3.

The school authority is not represented.

In view of the above to subserve justice, the **respondent no.2** is directed to consider the representation of the petitioner dated **December 20, 2022, Annexure-P6 at page 43 to the writ petition** upon giving at least a seven days' prior hearing notice to the petitioner and the respondent no.5, the relevant school authority and after hearing them shall pass its reasoned order on the issue strictly in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent no.2 positively within a period of six weeks from the date of communication of this order.

The respondent no.3 shall then communicate the above reasoned order to the petitioner and the relevant school authority within a further period of two weeks from the date of the said reasoned order to be passed.

The petitioner shall be at liberty to urge whatever points she wishes to urge relying upon whatever documents and records she wishes to rely upon before the respondent no.2. The relevant school authority shall also cooperate in every possible manner during the hearing.

In the event the reasoned order goes in favour of the petitioner, the respondent no.2 shall communicate its reasoned order to the respondent no.3 positively within a period of two weeks from the date of the said reasoned order to be passed and the respondent no.3 shall take all consequential steps to give effect to the said reasoned order forthwith but positively within a period of four weeks from the date of receipt of the said reasoned order from the respondent no.2.

It is made clear that this Court has not gone into the merits of the claim of the petitioner.

It is made clear that this order shall not create any equity or right in favour of the petitioner if the petitioner is otherwise not eligible to receive her claim strictly in accordance with law.

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, **WPA 387 of 2023** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

**(Aniruddha Roy, J.)**