

16.08.2023
(Sl. No. 5)
Ct.-18
(P.Jana)

W.P.A. 4548 of 2021

Dr. Sandhya Das (Sarkar)

-Vs-

The State of West Bengal & Ors.

Mr. Durga Prasad Dutta,
Mr. Sumanta Ganguly,

.... For the Petitioner.

Affidavit of service and further communication to the learned counsel for the State filed on behalf of the petitioner be kept with the record.

None appears on behalf of the State-respondents in spite of service.

Mr. Durga Prasad Dutta, learned counsel for the petitioner prays leave to file a supplementary affidavit to the writ petition.

Leave, as prayed for, is granted, in consequence the supplementary affidavit is taken on record.

The petitioner was an Assistant Teacher of Bengali of Bankura Town Girl's High School (HS), on superannuation, she retired from her said service on December 31, 2006.

The Deputy Secretary, Government of West Bengal, Education Department by the order bearing Memo No. 649-SE(S)/IP-4/2008 dated June 01, 2011 has rejected the prayer of the petitioner for condonation of break in her service. The petitioner is challenging the said order and is also praying two increments as she had completed her Ph.D. Degree while in service.

It appears from the order impugned that initially, the petitioner was a Teacher of Hili Girl's High School but she

tendered resignation from her said service with effect from January 31, 1981 to join her present school.

As per paragraph 7A of the Memorandum of the Finance Department, Government of West Bengal, bearing No. 136-Edn.(B) dated May 15, 1985, the resignation tendered by an employee entails forfeiture of past service, therefore, this Court does not find any illegality and/or infirmity in the order rejecting the prayer for condonation of break-in-service.

However, the petitioner has a pending representation before the District Inspector of Schools (SE), Bankura, the respondent no. 5 herein, for consideration of her prayer for two additional increments for acquiring Ph.D. Degree from Rabindra Bharati University, Kolkata in the year 1996.

The representation since was of 1999, the petitioner is granted liberty to file a fresh representation for consideration of her said prayer, if such representation is made, the respondent no. 5 shall consider and dispose of the same, expeditiously in accordance with law and if necessary, after giving the petitioner an opportunity of being heard.

WPA 4548 of 2021 is **disposed of** with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)