

13 08.5.2023
Sc Ct. no.22

WPA 4962 OF 2023

Sima Das

Vs.

The State of West Bengal & Ors.

Mr. Ujjal Ray

Mr. Sk. Abdur Rahim.

....For the Petitioner

Ms. Rupsha Chakraborty

....For the State

Mr. Sunit Kr. Roy

....For the Respondent
Nos. 2 & 3

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

The petitioner claimed to be an ***Assistant Teacher for the subject Sanskrit at Somruk Shital Chandra Institution H.S., District – Howrah.*** The petitioner is aggrieved by the illegal and wrongful deduction of her salary by 40%. The petitioner submitted that, the deduction was wholly illegal and wrongful. The school authority could not have deducted the same.

The petitioner made a representation dated ***September 28, 2022, Annexure-P5 at page 43 to the writ petition*** before the respondent no.6 and the same had not yet received the attention of the authority.

Ms. Rupsha Chakraborty, learned advocate appeared for the respondent nos. 1, 4 and 6.

Mr. Sunit Kr. Roy, learned advocate appeared for the respondent nos. 2 and 3.

The rest of the respondents chose not to be represented, despite notice.

Considering the submissions made on behalf of the parties and considering the materials on record, to subserve justice, the **respondent no.6** is directed to consider the said representation of the petitioner dated **September 28, 2022, Annexure-P5 at page 43 to the writ petition** upon giving a seven days' prior hearing notice to the petitioner and the respondent no.8 and then after hearing them shall pass a reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried out by the respondent no.6 positively within a period of four weeks from the date of communication of this order.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner and the relevant school authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the respondent no.6.

In the event, the decision goes in favour of the petitioner, the respondent no.6 and all other relevant authorities shall give effect thereto forthwith but

positively within a period of three weeks from the date of communication of this reasoned decision.

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

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

On the above terms, the writ petition, **WPA 4962 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.)