

Court No. 22

16.5.2023

(Item No. 23)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 5292 of 2022

Tulu Mandal Mazumdar

VS

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

... for the petitioner

Mr. S. Basu

..... for the State

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

The petitioner claimed to be an Assistant Teacher presently working at **Baidyapara Girls High School (HS), District – South 24-Parganas**. Prior to this School the petitioner was a teacher of J.K.S.B. Vidyalaya, District South 24-Parganas. Mr. Bhattacharya has confirmed this Court that these schools are Higher Secondary Schools. The petitioner claimed that, while being transferred from J.K.S.B. Vidyalaya to present school the Provident Fund Account had not been transferred by the previous school to her present school. Drawing attention to **page 24** from the writ petition Mr. Bhattacharya submitted that, the petitioner submitted a representation dated January 10, 2022 before the Head Mistress of the erstwhile school. The grievance had not been redressed.

In view of the above, to sub-serve justice, the petitioner shall be at liberty to file a composite

representation before the respondent No. 3 within a period of two weeks from date but the same **shall not be travelled beyond the case made out in the writ petition.**

In the event such a representation is made the respondent No. 3 shall issue at least seven days prior hearing notice to the petitioner, respondent No. 5 and respondent No. 7 and then after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent No. 3 positively within a period of six weeks from the date of receipt of such representation from the petitioner.

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

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner whatsoever and the petitioner and the attending parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records before the respondent No. 3.

It is further noted that due to lapses on the part of the previous school i.e. respondent No. 5 and its authority, the Provident Fund Account had not yet been transmitted to the present School since the date of

transfer i.e. **September 29, 2021** at **page 19** to the writ petition. The respondent No. 3 shall also consider the interest payable to the petitioner by the previous school authority since September 29, 2021 till the date of actual transfer of the Provident Fund account to the present school.

The respondent No. 3 then shall communicate its reasoned order to the petitioner and the respondent No. 5 and respondent No. 7 within a further period of two weeks from the date of the said reasoned order to be passed.

Mr. S. Basu, learned counsel appeared for respondent No. 6.

The rest of the respondents were not represented.

On the above terms this writ petition being **WPA 5292 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.)