

70-72 13.01.2023
AB Ct. no.22

WPA 5828 OF 2022

Asoke Kumar Guria

Vs.

The State of West Bengal & Ors.

with

WPA 11179 OF 2022

Tenpur Thakumoyee Vidyapith (H.S.) & Anr.

Vs.

The State of West Bengal & Ors.

with

WPA 15941 OF 2022

Bandana Maity

Vs.

State of West Bengal & Ors.

Mr. Sarwar Jahan

Ms. Pritikana Gantait.

...For the Petitioner in
WPA 5828 of 2022

Mr. Kamal Mishra

Ms. Rimpay Mukherjee

....For the Petitioners in
WPA 11179 of 2022 and
Respondent No. 7 in
W.P.A. 5828 of 2022 and
W.P.A. 15941 of 2022

Mr. Samiran Mandal

Mr. S. C. Dhara

Mr. Abhinaba Dan

...For the Petitioner in
WPA 15941 of 2022

Mr. Malay Singh

Ms. Tuli Sinha.

....For the State in
WPA 5828 of 2022

Mr. Biswabrata Basu Mallick

Mr. Sanjib Das

Mr. Madhusudan Mukhopadhyay

....For the State in
WPA 11179 of 2022

Mr. Biswabrata Basu Mallick

Mr. Sayan Ganguly

.... For the State in
WPA 15941 of 2022

Mr. Samiran Mandal
Mr. S. C. Dhar
Mr. Abhinaba Dan

....For the Respondent No. 8
In WPA 5828 of 2022

Mr. Samiran Mandal
Mr. S. C. Dhara.
Mr. Abhinaba Dan

....For the Respondent No.7
In W.P.A. 11179 of 2022

Mr. Sakti Pada Jana
Mr. Kamal Mishra
Mr. Subhajyoti Das

.... For respondent No. 7
In W.P.A. 5828 of 2022
& W.P.A. 15941 of 2022

Ms. Koyeli Bhattacharyya

... for the Board in
W.P.A. 5828 of 2022 &
W.P.A. 11179 of 2022

Affidavits of service filed in each of these writ petitions today in Court, are taken on record.

These writ petitions in this particular series relate to the same educational institution i.e. **Tenpur Thakamoyee Vidyapith (H.S.), District – Paschim Medinipur.**

In the first writ petition being **W.P.A. 5828 of 2022**, the petitioner being the retired Headmaster who retired on April 30, 2019 claimed for his retiral benefit inclusive of Provident Fund.

In the second writ petition being **W.P.A. 11179 of 2022**, the petitioners being the Managing Committee of the relevant School seeks certain direction against the existing Teacher-in-charge i.e. respondent No. 7 in the second writ petition.

The third writ petition being **W.P.A. 15941 of 2022**, the petitioner being the present Teacher-in-charge seeking intervention of the District Inspector of Schools against the alleged misconduct of the present Managing Committee of the School i.e. respondent Nos. 8 to 12 in the third writ petition.

After considering the submissions made on behalf of the appearing parties it appears to this Court that to consider the issues involved in each of these writ petitions require to deal with certain factual aspects and technical matters for complete adjudication.

It is pertinent to note that, all these three writ petitions arise relating to the one and only and the same educational institution as mentioned above. This Court upon perusal of materials on record is of the firm opinion that justice would be sub-served if the issues involved in all these three writ petitions are considered by the **Commissioner of School Education, West Bengal.**

In view of the above, the **Commissioner of School Education** is directed to consider the issues involved in these three writ petitions independently upon giving at least seven days prior hearing notice to the respective petitioners, the relevant School authorities, the jurisdictional District Inspector of Schools and the Jurisdictional Additional District Inspector of Schools and after granting them an opportunity of hearing then shall

decide the issue separately by passing separate reasoned orders/decisions.

The entire exercise as directed above, shall be carried out and completed by the **Commissioner of School Education, Government of West Bengal** positively within a period of ten weeks from the date of communication of this order. The Commissioner of School Education, Government of West Bengal shall communicate then its reasoned order to the respective petitioners, School authorities, Jurisdictional District Inspector of Schools and Jurisdictional Additional District Inspector of Schools within a further period of two weeks from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners in each of the writ petitions. The petitioners in each of these writ petitions and all other parties as directed above, shall be at liberty to urge whatever points they wish to urge relying upon whatever documents and records they wish to rely upon before the said Commissioner of School Education.

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

In the event, if the reasoned order goes in favour of the writ petitioners or any of them, the relevant State authorities shall take all necessary and consequential

steps to implement those reasoned orders within a further period of four weeks from the date of communication of such reasoned order to them respectively.

It is further made clear that, this order shall not create any equity or right in favour of the individual petitioners in the event, they are not eligible to receive their respective claims mentioned in their individual writ petitions strictly in accordance with law.

Mr. Sarwar Jahan, learned advocate appearing in the first writ petition (**W.P.A. 5828 of 2022**) submitted that, pursuant to the direction made by this Court on August 24, 2022, his client has been receiving the provisional pension. It is made clear that till the final decision is taken up in the first writ petition as directed above, the concerned writ petitioner shall go on receiving such provisional pension.

On the above terms, all these three writ petitions being **W.P.A. 5828 of 2022, W.P.A. 11179 of 2022 and W.P.A. 15941 of 2022** stand 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.

A copy of this order is directed to be placed in the respective files of each of these writ petitions.

(Aniruddha Roy, J.)