

30.03.2023
Item no.31
Court No.22.
AB

WPA 6667 of 2023

**Sayanti Banerjee
Vs
The State of West Bengal & Others**

Mr. Debasish Banerjee,
Mr. Rakesh Janafor the Petitioner.

Ms. Chamma Mookherjee,
Mr. Aniruddha Mohanta....for the State.

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

The petitioner claims to be an Assistant Teacher
at **Rajlakshmi Kanya Vidyapith, District – Nadia**.
Due to absence of appointment of the Headmistress,
the school is being managed and run by the teacher in
charge.

By the decision of the Managing Committee
dated **March 27, 2021** at **page 21** to the writ petition,
it was decided that the Assistant Teachers by rotation
shall perform the job of the teacher in charge of the
school. The petitioner had expressed her inability due
to her health reasons.

Mr. Debasish Banerjee, learned Counsel
appearing for the petitioner drawing attention of this
Court to **Annexure P-4** at **page 25** to the writ petition
submitted that on **February 3, 2023**, the petitioner

made a representation, inter alia, before the respondent no.6 and the same had not received its attention.

The relevant school authorities are not represented before this Court today.

Considering the issues involved in this writ petition and the materials on record, to sub-serve justice, the respondent no.6 is directed to consider the representation of the petitioner dated **February 3, 2023 at page 25** to the writ petition upon giving a prior hearing notice of three days to the petitioner and the respondent no.8 and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

It is made clear that the Court has not gone into the merit of the claim of the petitioner in any manner and the petitioner and the 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. The entire exercise as directed above shall be carried out and completed by the respondent no.6 positively within a period of three weeks from the date of communication of this order and the respondent no.6 shall then communicate his reasoned order to the petitioner and the respondent no.8 within a further

period of one week from the date of the reasoned order to be passed.

In the event the reasoned order is passed in favour of the petitioner, the managing committee of the relevant school shall give effect thereto in accordance with law.

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

On the above terms, this writ petition being **WPA 6667 of 2023** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Aniruddha Roy, J.)