

35 18.9.2023

Ct-08

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MAT 635 of 2023
with
I.A No. CAN 1 of 2023

Tuhina Saha
Vs.
The State of West Bengal & Ors.

Ms. Malabika Roy Dey
... For the Appellant

1. Affidavit of service filed in Court be kept with the record. In spite of service, the State is not represented nor any accommodation is prayed for on behalf of the State.

2. The petitioner/appellant is an approved Assistant Teacher of Deshpran Birendranath Institution for Girls, Kolkata. The petitioner complained that her Service Book has not yet been updated by the School authorities.

3. Learned counsel representing the appellant submits that her client could not put her signature against some entries in her Service Book as the Managing Committee of the school did not grant Child Care Leave to the petitioner for taking some periods but those entries are not correct inasmuch as there was no Managing Committee of the school for the periods mentioned in the said entries, instead the school during the said periods was under the Drawing & Disbursing Officer.

4. It is contended by the appellant that before the learned Single Judge a report of the District Inspector of Schools(SE), Kolkata was filed describing that after the resignation of the President of the Managing Committee of the said school in the month of January 2019, the Sub-Inspector of Schools(PE), Kolkata, Circle-XVIII was authorized to act as the Drawing & Disbursing Officer of the said school who subsequently in pursuance of the different orders of School Education Department and the then District Inspector of Schools(SE), Kolkata was appointed to discharge the function of the President of the Managing Committee of the said school.

5. It is submitted by the learned counsel for the appellant that the appellant was not provided the said report. However, during the pendency of the writ petition, the service book was updated with incorrect particulars.

6. Under such circumstances, we direct the District Inspector of Schools(SE), Kolkata to consider the grievance of the petitioner by passing a reasoned order, after giving an opportunity of hearing, with regard to allowing entries in the Service Book as raised within a

period of four weeks from the date of communication of this order by either of the parties and communicate the reasoned order to the petitioner within one week thereafter.

7. Since we are prima facie satisfied that the report filed before the learned Single Judge was not considered by the learned Single Judge, the School authority is directed to produce the relevant records and Service Book of the petitioner before the District Inspector of Schools (SE), Kolkata at the time of hearing.

8. In view of above the appeal succeeds.

3. In view of the aforesaid order, MAT 635 of 2023 stands disposed of.

4. In view of disposal of the appeal nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly disposed of.

5. However, there shall be no order as to costs.

6. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Prasenjit Biswas, J.)

(Soumen Sen, J.)

