

05.07.2023
Item No.5
Court No.18
P. Jana.

W.P.A. 8594 of 2022

Smt. Sakti Rani Pradhan (Maity)
-Vs-
The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyay,
.....for the petitioner.

Mr. Sankar Prashad Dalapati,
.....for the respondent nos. 8, 9 & 10.

Affidavit of service filed on behalf of the petitioner be kept with the record.

Mr. Chattopadhyay, learned advocate for the petitioner submits that the petitioner had served the Panchagram Satsangha Balika Vidyapith, Purba Medinipur as the Headmistress for ten years from January 01, 1974 to February 11, 1984, as such she is praying pension and other retiral benefits.

Mr. Dalapati, learned advocate for the authorities of the said school submits that the appointment of the petitioner was not only temporary but also the President of West Bengal Board of Secondary Education, by an order dated July 28, 1997 had treated long absence of the petitioner from duty as her resignation from the said temporary service.

He also questioned the maintainability of the writ petition on the ground that the earlier writ petition for the selfsame relief on the selfsame cause of action was dismissed for default but the petitioner, without taking any step to restore the said writ petition cannot maintain the present one for the similar relief.

Heard learned counsel for the parties, perused the materials-on-record.

It appears from the letter of approval for appointment of the petitioner being Annexure P-1 to the writ petition, that the approval of her such appointment was temporary with effect from January 01, 1974, there is nothing on record to suggest that such appointment was made permanent.

In compliance with the direction passed in the writ petition filed by the petitioner being W.P.A. No. 985 of 1997, the President of the West Bengal Board of Secondary Education passed the order dated June 02, 1998 disposing the representation of the petitioner to allow her to resume duty in the said school.

In the said order, the said Authority had declared deemed resignation of the petitioner for her long absence for more than five years and in exercise of power under Section 28 of the West Bengal Board of Secondary Education Act, 1963, rejected the prayer of the petitioner for her reinstatement and payment of arrear salaries.

The claim of the petitioner that she had served the school for ten years is not substantiated by any material, therefore deserved no consideration.

Summing up the discussion made above, this Court is of the opinion that the petitioner is not entitled to the relief, as prayed for, as a consequence **WPA 8594 of 2022 is dismissed.** There shall however be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)