

Court No. 22
03.5.2023
(Item No. 20)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 9461 of 2023

Sakuntala Gope
VS
The State of West Bengal & Ors.

Mr. Saibal Acharjee
Mr. Ambu Bindu Chakraborty
... for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
Mr. Biman Halder
... for the State

Mr. Sayan Ganguly, learned advocate appeared for respondent Nos. 1, 2 and 4. Other respondents were not represented.

The petitioner claimed to be a **Para Teacher** at present working at **Ramlalpur Ghanaban High School, District - Bankura**. She had commenced her employment as Para Teacher on **January 17, 2009**. She continued till November 9, 2010. Then she was resisted from attending the School by the Managing Committee of the School. The petitioner then filed a writ petition before this Court being **W.P. No. 20356 (W) of 2010**. By an order dated **September 7, 2016 Annexure P-8** at **page 25** to the writ petition, a co-ordinate bench directed the Jurisdictional District Project Officer to consider the case of the petitioner and take a decision. Pursuant to the said direction the respondent No. 3 passed its reasoned order after

giving a hearing on **October 25, 2016** part of **Annexure P-9** at **page 33** to the writ petition. The respondent No. 3 directed the School authority to allow the petitioner to resume her employment. Following the said direction the petitioner had resumed her employment on and from **November 9, 2016**.

Through the instant writ petition the petitioner claimed service benefit for the period during **January 18, 2010 till November 9, 2016**, when the petitioner was resisted to carry out her employment.

The petitioner submitted a representation dated **November 15, 2022, Annexure P-10** at **page 36** to the writ petition, the same had not yet received any attention of the State authorities.

Considering the submissions made on behalf of the writ petitioner and considering the materials on records, to sub-serve justice, the respondent No. 3 is directed to consider the said representation of the petitioner dated **November 15, 2022, Annexure P-10** at **page 36** to the writ petition after giving at least seven days prior hearing notice to the petitioner and the respondent No. 7 and after granting an opportunity of hearing to them 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 communication of this order. The respondent No. 3 then shall communicate this order to the petitioner and the respondent No. 7 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 petitioner in any manner and the petitioner and the respondent No. 7 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. 3.

In the event, the reasoned decision goes in favour of the petitioner, then the respondent No. 3 shall take all further and consequential steps to give effect to the said.

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 further made clear that, this order shall not create any equity or right in favour of the petitioner in the event, the petitioner is found to be ineligible to receive her claim strictly in accordance with law.

The respondent No. 3 shall decide the issue by applying its independent mind without being influenced by any observation made herein.

With the above observations this writ petition being **WPA 9461 of 2023** 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.)