

25.04.2023
(S/L-188)
Ct.-22
(Susanta)

W.P.A. 9876 of 2022

Joydip Nandi

-Vs-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya,

Ms. Anita Shaw,

Ms. Taniya Khatun,

.... For the Petitioner.

Dr. Sutanu Kumar Patra,

Ms. Supriya Dubey,

.... For the S.S.C.

Mr. Bhaskar Prasad Vaisya, A.G.P.,

Mr. Sagnik Chatterjee,

.... For the State.

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

The petitioner claimed to be an Assistant
Teacher at present working at Subhashganj
High School, Uttar Dinajpur. Prior to this
school, the petitioner was a teacher of
Maynaguri High School, District- Jalpaiguri.
The petitioner claimed that while being
transferred from Maynaguri to present school
the Service Book and Provident Fund Account
had not been transferred by the Maynaguri
High School, that is, the respondent no.9 to
his present school.

Drawing attention to page 28 of the writ
petition Mr. Anjan Bhattacharya, learned

Counsel for the writ petitioner submitted that, the jurisdictional District Inspector of School, Uttar Dinajpur had also made communication to the present school authority granting approval of the transferred joining of the petitioner.

Despite repeated requests made by the petitioner, the respondent no. 9 and/or the Maynaguri School Authority had not updated the Service Book of the petitioner and transferred the same along with the Provident Fund of the petitioner to the present school of the petitioner.

The last representation was made by the petitioner dated October 20, 2014 appeared at page 36 to the writ petition. Ultimately, the petitioner served a legal notice dated January 10, 2016 at page 38 to the writ petition.

The petitioner is presently working as Assistant Teacher at Subhashganj High School, Uttar Dinajpur.

Considering the submission made on behalf of the appearing parties and considering the materials on record, the respondent no.4 is directed to resolve the issue forthwith in the light of the advocate's letter of the petitioner dated January 10, 2016 at page 38 to the writ petition after giving a hearing notice of at least

seven days to the petitioner and the respondent no.9 and then after giving them an opportunity of hearing shall pass a reasoned order directing the respondent no.9 to update and send the Service Book and the Provident Fund Account of the petitioner to its present school that is Subhashganj High School, Uttar Dinajpur.

It is further to be noted that due to the laches on the part of the respondent no.9/school authority the Provident Fund Account had not yet reached at present school since the date of transfer dated June 8, 2012 at page 21 to the writ petition. The respondent No.4 shall also consider the interest payable to the petitioner by the Maynaguri High School Authority since June 8, 2012 till the date of transfer of the Provident Fund Account to the present school.

After considering all these, the respondent no. 4 shall pass a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent no.4 positively within a period of six weeks from the date of communication of this order.

The respondent no.4 then shall communicate its reasoned order to the petitioner and all concerned positively within a further period of two weeks from the date of the said reasoned order to be passed.

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

Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader appeared for the respondent Nos. 1-4. The other respondents were not represented.

On the above terms the write petition **WPA 9876 of 2023** stands disposed, of without any order as to costs.

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

(Aniruddha Roy, J.)