

Court No. 22
18.01.2023
(Item No. 103)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 11689 of 2019

Nazir Hossain
VS
The State of West Bengal & Ors.

Mr. Parvej Anam
..... for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
.... For the State

Two affidavits of service filed in Court today, is taken on record.

The petitioner claimed to be an **Assistant Teacher** initially was posted at **Chhayghara High School, District - Uttar Dinajpur**. The petitioner thereafter was transferred on or about December 16, 2014 at **Shibrampur High School** under the scheme of **General Transfer** and at present he is working there.

Mr. Parvej Anam, learned advocate has confirmed that, both the said schools are Higher Secondary Schools.

The learned advocate appearing for the petitioner submitted that, after the petitioner was transferred at the present School, his provident fund dues lying with the said Chhayghara High School, the erstwhile school has not yet released in favour of the respondent No. 6 on account of the petitioner. Drawing attention to **Annexure P-3** to the writ petition at **pages 17 and 18** thereto the learned

advocate submitted that, though the representation was made on September 4, 2018 before the respondent No. 5, the same had not received attention of the School authority.

Mr. Sagnik Chatterjee, learned advocate led by Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader appears for respondent Nos. 1 and 2.

In view of the above, to sub-serve justice respondent No. 5 is directed to quantify the Provident Fund dues lying with its school on account of the petitioner in the light of the said representation of the petitioner dated August 3, 2018, **Annexure P-3** to the writ petition and after such crystallization of Provident Fund account being carried out, the respondent No. 5 shall transfer the entire amount in favour of the respondent No. 6 forthwith positively within a period of six weeks from the date of communication of this order in accordance with law.

It is needless to mention that, the respondent No. 5 if is required to obtain any assistance from the petitioner, the petitioner shall co-operate in every extent for the same.

The respondent No. 5 then shall communicate the petitioner as to the transfer of his Provident Fund account in favour of the respondent No. 6 with copies of the necessary records and documents regarding this.

After receiving the said provident fund on account of the petitioner, the respondent No. 6 shall also give necessary information as to the same to the petitioner and the Teacher-in-charge/Headmaster of the present school of the petitioner **Shibrampur High School, District Uttar Dinajpur** positively within a period of two weeks after receiving the Provident Fund amount from the respondent No. 5.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner.

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

On the above terms, this writ petition being **WPA 11689 of 2019** 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.)