

Court No.22

12.7.2023

(Item No. 16)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 12689 of 2019

Champakali Chatterjee
VS
The State of West Bengal & Ors.

Mr. Rudranil De
Ms. Aiswarya Mukherjee
.... For the petitioner
Mr. Malay Singh
Ms. Neelam Singh
.... For the State

Affidavit of service filed in Court today, the same is taken on record.

The petitioner claimed to be an Assistant Teacher at present teaching at **Kasba Chittaranjan High School (H.S.), Kolkata**. Prior thereto the petitioner was a Teacher at **Hatuganj Girls' High School (H.S.), District 24 Parganas (South)**. The petitioner was transferred from her erstwhile school to present school and had joined there on November 29, 2016.

The petitioner claimed that, the relevant records and papers relating to the employment of the petitioner were required to be sent by the said erstwhile school to her present school on transfer but the erstwhile school had failed to discharge this obligation.

Referring to **Annexure P-5 at page 26** and **Annexure P-6 at page 27** to the writ petition Mr.

Rudranil De, learned counsel for the petitioner submitted that, despite representations being submitted by the petitioner neither the jurisdictional District Inspector of Schools nor the erstwhile school had paid any attention to the claim of the petitioner.

Mr. Malay Singh, learned State counsel appeared for respondent Nos. 1 and 2.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, it appeared to this Court that, whenever a Teacher is transferred from one school to other, it is the obligation caste upon the previous school authority to transmit all records relating to the employment of the Teacher at the transferred school.

In view of the above, to sub-serve justice, the respondent No. 4 is directed to transmit all the relevant records, papers and documents relating to the petitioner from the said previous school to its present school at Kasba positively within a period of **three weeks** from the date of communication of this order.

The respondent No. 2 is also directed to ensure that this direction is carried out by the respondent No. 4. The petitioner shall serve a copy of this order upon the respondent Nos. 2 and 4.

Mr. Singh, learned State counsel is also requested to give instruction to his client

communicating the direction made by this Court today.

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 made clear that, the petitioner has not claimed any relief on account of her Child Care Leave in this writ petition and as such, such question has not been gone into by this Court in any manner whatsoever and the petitioner if becomes aggrieved on any decision relating to her Child Care Leave she will be free to proceed in accordance with law.

On the above terms, this writ petition being **WPA 12689 of 2019** stand 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.)