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Ct-08

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MAT 1182 of 2023

with
I.A No. CAN 1 of 2023

**The Principal, Aditya Birla Vani Bharati
Vs.
Mira Mondal & Ors.**

Mr. Arnab Dutt
Ms. Saboni Dey

... For the Appellant

Mr. Bikram Banerjee
Mr. Debopriya Mitra

... For the Respondent no. 1

Mr. Bhaskar Prasad Vaisya
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

... For the State

The appeal is arising out of the order dated 6th June, 2023 in connection with a writ petition filed by the respondent no. 1 praying, inter alia, for a direction upon the respondent nos. 4, 5 and 6, namely, the Principal, the Vice-Principal and the Secretary of the School to allow the writ petitioner to resume her duty as she was appointed as a permanent and approved group-D staff (AYAH) in the said school with immediate effect and to release her salary. The writ petitioner has further prayed for cancellation of the criminal complaint against her.

The writ petitioner is represented by Mr. Bikram Banerjee, learned advocate and he was appointed by Legal Services Committee, High

Court, Calcutta.

It appears that the service of the writ petitioner was terminated without following the required procedure.

Mr. Bhaskar Prasad Vaisya, learned counsel representing the State, has produced before us a report dated 04.7.2023 filed by the Inspector In-Charge, Serampore P.S, Hooghly wherefrom it appears that on 23rd February, 2019 one Mr. Gautam Sarkar, representative of the school authority lodged a complaint before the learned A.C.J.M, Serampore against the respondent no. 1 vide Complaint Case No. 85 of 2019 under sections 323/448/504/506/427 of IPC and the learned Magistrate has fixed 10th July, 2023 for evidence.

It is submitted on behalf of the appellant that her service was terminated as a criminal complaint was lodged against her and the complainant is the school.

The endeavour of the school was to resolve the issue between the parties through the intervention of the Commissioner of School Education.

The power of the court to direct the parties to resolve their disputes through the intervention

of an authority or a person having the required expertise knowledge cannot be doubted. There was no direction per se upon the appellant to recall the termination letter or to allow her to join the duty. It was more in the nature of reconciliation. The school authority is also agreeable to have a fair settlement with the respondent no. 1. The settlement can always be arrived at with the intervention of the authority named in the impugned order.

In such view of the matter, we do not feel it necessary to interfere with the order passed by the learned trial court.

We direct the parties to appear before the authority with a view to resolve their disputes amicably.

We make it clear that we have not gone into the merits of the matter.

On such consideration, the appeal being MAT 1182 of 2023 is disposed of.

In view of disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly dismissed.

(Uday Kumar, J.)

(Soumen Sen, J.)

