

10.08.2023
Item No.30
Ct. No. 238
AKG

WPA 15243 of 2023
Uma Rani Maiti
Vs.
The State of West Bengal & Ors.

Mr. Arijit Bera	...for the Petitioner
Mr. Kamal Mishra	...for the College
Mr. Suman Sengupta, Mr. Dip Jyoti Chakraborty	...for the State
Ms. Debjani Sengupta, Mr. Abhijit Chatterjee, Ms. Koyel Bag, Ms. Jonaki Khan	...for the University

In this writ petition, the petitioner has prayed
inter alia for the following relief :

“A writ in the nature of Mandamus commanding upon the Respondents to show cause as to why the prayer of the petitioner for investigation and punishment of the accused persons of the college should not be directed by an investigation agency by which it cannot be inflicted to others in future and direct for investigation of inhumanic torture upon your petitioner by an investigation Agency within certain time and for punishment of the accused persons of the college mainly by the Teacher-in-Charge and during investigation sufficient protection should be given to the petitioner.”

During the course of submission, it has been
submitted by the learned advocate appearing for the
petitioner that the petitioner was a part time teacher

of Bajkul Milani Mahavidyalaya, Purba Midnapore. It is alleged that the college administration subjected to her to a series of harassments and mental anguish. As a result, the petitioner found herself compelled to submit her resignation to the college.

Learned advocate appearing for the petitioner submits that there should be a thorough investigation as to the adversity and mistreatment inflicted upon the petitioner by the college.

The college has filed a report in terms of the order dated July 20, 2023 passed in this writ petition. The report suggests that the petitioner on July 31, 2019 submitted her resignation letter citing health reasons. The Governing Body of the College by a resolution dated November 14, 2019, duly accepted the resignation.

It, however, appears that on an earlier occasion the petitioner had approached this Court with a prayer for release of her arrear remuneration. The writ petition was, however, withdrawn on May 18, 2023 by the writ petitioner with a liberty granted by this Court to file an appropriate application before this Court on the self-same cause of action.

Whether the petitioner's resignation was the consequence of mental pressure and mistreatment perpetrated by the college on her or it was a voluntary action on her part due to the illness, is a disputed

question of fact. The fact cannot be disputed is that, despite her resignation letter being accepted, the petitioner remained silent for about four years. Only thereafter did she file this writ petition. Though it has been submitted by the learned advocate appearing for the petitioner that the petitioner was not aware of the acceptance of her resignation, the said stand cannot be accepted by this Court, it appears that even in the year 2020, the petitioner had prayed for release of her arrear remuneration by filing a writ petition.

In that view of the matter, this Court is constrained to reject the stand of the writ petitioner.

However, I make it clear that if the petitioner has lodged any formal complaint before the appropriate authority, the same should be investigated in accordance with law.

Accordingly, **WPA 15243 of 2023** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)