

Court No. 22

22.9.2023

(Item No. ML-
125)

(AB)

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

WPA 18757 of 2017

Baishakhi Bhattacharyya (Chatterjee)

v.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta

Mr. Sondwip Sutradhar

..... for the petitioner

Mr. Sudipta Dasgupta, learned counsel
appears for the petitioner.

None appears for the respondents.

The office report dated September 20, 2017
suggests that, despite there being direction dated
August 17, 2017 no affidavit-in-opposition was filed.
Considering the issue involved in the writ petition and
long pendency thereof this Court is of the view that,
no fruitful purpose would be served by keeping the
writ petition pending any further, hence, this order is
passed.

The petitioner claimed to have been appointed
as Para-Teacher at a Secondary/Higher Secondary
School. The petitioner claimed the benefit of Assistant
Teacher on the principle of equal pay equal work
basis.

To sub-serve justice, the petitioner shall be at
liberty to make a comprehensive representation before
the Secretary, Department of School Education
(Secondary Branch), State of West Bengal positively

within a period of one week from date but the same shall not travel beyond the scope of the case made out in the writ petition.

In the event, such representation is submitted by the petitioner, the concerned Secretary upon issuing a prior hearing notice of at least seven days to the petitioner and the appropriate authority of the **Ramchandrapur High School, District Howrah** as would appear from **page 17** to the writ petition and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order.

The entire exercise as directed above shall be carried out and completed by the concerned Secretary positively within a period of **six weeks** from the date of receiving the said comprehensive representation from the petitioner. The concerned Secretary then shall communicate its reasoned order within a further period of **two weeks** to the petitioner and the relevant School Authority from the date of the reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner and the School Authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the said concerned Secretary but the same shall not travel beyond the scope of the case made out in the writ petition.

It is made clear that, this order shall not create any equity or right in favour of the petitioner, if the petitioner is not eligible to receive her claim strictly in accordance with law.

On the above terms, this writ petition being **WPA 18757 of 2017** 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.)