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13.01.
2023
Ct. No.17

WPA 16958 of 2019

**Smt. Lina Guha
Vs
The State of West Bengal & Ors.**

**Mr. Kamalesh Jha
Ms. Srabani Biswas
.....For the Petitioner
Md. Sawar Jahan
Ms. Nilay Baran Mandal
.....For the Respondent No.5
Ms. Sima Sengupta
.....For the Respondent No.6
Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
.....For the State**

The petitioner retired from the school in 2015 and her gratuity has been paid on the basis of the basic pay as was decided by the school, which is a D. A. getting school. However, the petitioner demands that the gratuity should be on the basis of the basic pay and the D. A. and not on the basis of only basic pay.

Learned advocate for the school has submitted that the school is now under an Administrator and a large number of such matters in respect of different similarly situated schools are pending. He prays for sending this matter to the Commissioner of School Education for considering the matter after giving an opportunity of hearing to the school, the petitioner and any other party.

Mr. Supriyo Chattopadhyay, learned advocate for the State has also submitted that this matter may be sent to the Commissioner of School Education for a hearing.

After considering the submissions for the parties, I direct the Commissioner of School Education to hear the parties and any other party even though he is not a party in this hearing and to pass a reasoned and speaking order within a period of six weeks from the date of communication of this order and to communicate the same to the petitioner and other appearing parties before him by two weeks from the date of such hearing.

With this observation and direction this writ application is disposed of.

The petitioner has also submitted that a part of the increment has not been paid to her. This matter is a matter between the school and the petitioner. However, if the Commissioner thinks, he may also pass direction in this regard.

(Abhijit Gangopadhyay, J.)

