

25 28.3.2023
Sc Ct. no.22

WPA 19898 OF 2022

Suchismita Maity

Vs.

The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Mr. Abhijit Basu
Mr. Kamal Mishra
Ms. Rimpay Mukherjee
Mr. Subhadeep Maitra.

.... For the Petitioner

Ms. Paramita Pal

.... For the State

Mr. Biswarup Biswas
Mr. Pratap Sanfui.

.... For the Respondent
Nos. 4 & 5

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

Ms. Paramita Pal, learned advocate appeared for the State. The written instruction, received by her, from her client

The petitioner claimed to be an **Assistant Teacher** at **Bhimpore A.B.M. Santhal Girls' High School, District – Paschim Medinipur**. The petitioner claimed approval for the said post. The petitioner was appointed by virtue of the Appointment Letter dated January 14, 2020, **Annexure –P4 at page 40 to the writ petition**. The petitioner joined the post on January 28, 2020 and since then she is working.

Mr. Biswaroop Bhattacharya, learned counsel being ably assisted by Mr. Kamal Mishra, learned advocate appears for the petitioner drawing attention to **Annexure-**

P6 at page 42 to the writ petition submitted that all the relevant records are already lying with the respondent no.3.

The school authority also made a representation dated **August 1, 2022 at page 43** to the writ petition. It is submitted that the said representation had not yet received the attention of the said authority.

In view of the above, to subserve justice, the respondent no.3 is directed to consider the said representation of the school authority dated **August 1, 2022 at page 43 to the writ petition** after giving a prior notice of at least seven days to the petitioner and the relevant school authority and upon giving them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner in any manner and the petitioner and the relevant school authority shall be free to urge whatever points they wish to urge by relying upon whatever documents and records before the respondent no.3.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of six weeks from the date of communication of this order.

The respondent no.3 shall then communicate the above reasoned order to the petitioner and the relevant

school authority within a further period of two weeks from the date of the said reasoned order to be passed.

In the event the decision goes in favour of the petitioner then the respondent no.3 and/or any other appropriate State authority shall take all consequential steps to give effect to the said reasoned order.

It is made further 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.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms this writ petition, **WPA 19898 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)