

06.06.2023
BP
Court No. 17
Sl. 6

W.P.A. 18838 of 2019

Mira Mondal
Vs.
The State of West Bengal & Ors.

Mr. Bikram Banerjee
Ms. Dipa Acharyya
Ms. Shalini Ghosh
... for the petitioner

Mr. Arnab Dutt
Ms. Laboni Dey
..for the respondent nos. 4 and 5

Mr. Supriyo Chattopadhyay
Mr. Pinaki Bhattacharyya
..for the State

In the order dated 09.01.2023 the writ application number has been wrongly typed as 'WPA 18838 of 2022' which should be 'WPA 18838 of 2019'. This order will be treated as part of the order dated 09.01.2023.

The matter relates to a private school and I have been told time and again that writ cannot be issued against a private party. However, the case is that the poor employee of the school has been terminated. Though I cannot pass any writ, I think that the writ court has the power at least to request the Commissioner of School Education to look into the matter as all schools function under the School Education Department. Therefore, the Commissioner of School Education should hold a

hearing calling the petitioner and any appropriate representative of the school authority within a period of three weeks from date and pass a reasoned order as he will think fit. A poor person cannot be thrown out of service by any authority considering Article 21 of the Constitution of India. The petitioner shall have the liberty to be represented through any advocate, who has been engaged by the Legal Services Committee, High Court, Calcutta.

It is expected that the petitioner will not face any tyranny either for the view of the administration or for the view point of law.

With the above direction, the writ application is disposed of.

(Abhijit Gangopadhyay, J.)