

101 06.12.2023
Sc Ct. no.22

WPA 21703 OF 2019

Smt. Soma Kar

Vs.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Sandip Sutradhar.

....For the petitioner

Ms. Madhumita Patra

....For the Respondent
No. 8

This is a hearing matter.

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

Ms. Madhumita Patra, learned counsel appears for the respondent no.8.

None appears for the State respondents.

The petitioner claimed to be an **Assistant Teacher** for the subject **Life Science** at **Porabazar Ramdulali Mukherjee Uchcha Vidyalay, District – Hooghly**. The principal allegation of the petitioner is that, she is being discriminated by the school authorities. She is being allegedly denied from her lawful employment benefits to which she is eligible to receive in law. The petitioner submitted a **representation** through her learned advocate dated **March 5, 2019 at page 140** to the writ petition before the school authorities.

The respondent no.8 has already filed its affidavit-in-opposition affirmed on August 1, 2023.

The petitioner has also filed her affidavit-in-reply thereto, affirmed on September 1, 2023.

The State respondents has used a report though the original is not in file. Copy has been served upon the petitioner.

The petitioner used her exception in the form of an affidavit thereto, affirmed on November 30, 2021, which is on record.

Considering the submissions made on behalf of the parties and considering the materials on record, to subserve justice, the petitioner shall be at liberty to make a comprehensive representation before the respondent no.5 upon a copy being served on the respondent no.8 within a period of ***four weeks*** from date. ***Such representation shall not travel beyond the case made out in the writ petition.***

In the event such representation is submitted by the petitioner, the respondent no.5 upon issuing a prior hearing notice of at least seven days upon the petitioner and the respondent no.8 and after giving them an opportunity of hearing, shall decide the issue by passing a reasoned order in accordance with law.

The petitioner shall produce copy of all the cause papers including the pleadings filed and exchanged by and between the parties in this writ petition before the respondent no.5 and the respondent no.5 shall consider

the same at the time of hearing and pass its reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.5 positively within a period of **six weeks** from the date of communication of this order.

The respondent no.5 then shall communicate its reasoned order to the petitioner and the and the respondent no.8 within a **further** period of **two weeks** 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 contentions raised by any of the parties in this writ petition in any manner and the parties shall be at liberty to urge all points before the respondent no.5.

The parties shall be at liberty to refer to the records of this writ petition at the time of hearing before the respondent no.5.

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

It is once again made clear that, while deciding the issue, the respondent no.5 shall take into consideration the overall facts circumstance under which the dispute arose and shall be free to decide the issue by passing a reasoned order as directed above without being influenced by any observation made by this Court.

On the above terms this writ petition, **WPA 21703 of 2019** stands **disposed of**, without any order as to costs.

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

(Aniruddha Roy, J.)