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19.05.
2023
Ct. No.17

WPA 26795 of 2022

Putul Rani Maji
Vs.
The State of West Bengal & Ors.

Mr. Golam Mastafa
Mr. Tarasankar Samanta
Mr. Subir Sabud
.....For the Petitioner

Mr. Saikat Banerjee
Mr. Kamal Mishra
.....For the DPSC, Purba Medinipur

Mr. B. P. Vaisya
Mr. Arindam Chattopadhyay
.....For the State

Mr. Srikanta Dutta
.....For the Private Respondent No.6

The S. I. says that she was on leave during that time when the representation of the petitioner dated 21.11.2022 was given and, therefore, she did not have any knowledge about this. In her place another officer of the adjoining circle as per the Primary Education Administration was in charge. The S. I. does not know whether it was dealt with by the said S. I. or not.

I direct Mr. Bikash Patra, the officer who was in charge of this circle where the present S. I. is working to appear before this court on 7th June, 2023 for clarification whether this representation given by the old almost illiterate lady who lost her son was dealt with or not.

The Chairman of the concerned District Primary School Council, namely, Mr. Habibul Rahman is present in court. He has submitted that the lady was explained the thing verbally which I am not ready to accept. It shows the officer's careless attitude to the hapless lady, which is not acceptable to this court.

I direct Mr. Habibul Rahman to pay the petitioner an amount of Rs.5,000/- towards cost of this matter because had there been any reply from the end of the said Chairman of the DPSC, the matter would not have been filed at all. Half of such cost being Rs.5,000/- which has been incurred by the petitioner is to be paid by the said Chairman of the DPSC by seven days.

Mr. Saikat Banerjee, learned advocate appearing on behalf of the Chairman, DPSC has submitted that the petitioner was not entitled to provident amount but he has come with the document to show before this court that the petitioner has received an amount of Rs.33% of the gratuity amount which was paid on 24th February, 2023. The whole amount is Rs.1, 25,220/-. By way of 33% the mother received Rs.1,25,220/-. This fact was not intimated to this court yesterday when the matter was taken up. It has been stated by Mr. Banerjee that the payment was made on 3rd March, 2023 that is after

filing of the writ application.

However, in my view this fact should have been intimated to this court yesterday when I was passing the order of personal appearance. For suppression of such fact I now recall that part of my order where I have directed the Chairman of the DPSC to pay an amount of Rs.5,000/- and the said Chairman is not required to pay any amount to the petitioner. It is a proper case, on the contrary, for payment of sum of money to the Chairman, DPSC by the petitioner but as the petitioner is a hapless lady who has lost her son, I am not passing such order. The other part of my order directing the S. I. of the adjacent circle Mr. Bikash Patra is also recalled. He is not also required to be present before this court. The suppression of facts is seriously deprecated and, therefore the writ application is dismissed with a cost of Rs.100/- to be paid to the High Court Legal Services Committee by 9th June, 2023.

(Abhijit Gangopadhyay, J.)

