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ORDER SHEET
WPO/143/2021
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SNEHA SHAW
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE:
The Hon'ble JUSTICE ANIRUDDHA ROY
Date: 22nd February, 2023.

Appearance:
Mr. Debabrata Saha Roy, Adv.
Mr. Falguni Bandyopadhyay, Adv.
Ms. Sreetama Neogi, Adv.
Ms.. Riya Ballav, Adv.
...for the petitioner

Mr. Sasptansu Basu, Sr. Adv.
Mr. Debapriya Gupta, Adv.
...for the respondent nos.4 and 5

The Court: The petitioner claimed to be an Assistant Teacher in Biology at **Balika Siksha Sadan, Kolkata**. She was appointed in this school at the post of Assistant Teacher on October 28, 2011 as would be available **at page 13 to the writ petition** and her employment was confirmed by the relevant school authority under its communication dated September 29, 2016 **at page 15 to the writ petition** with effect from November 16, 2015.

The school authority then forwarded its recommendation dated May 17, 2019, **Annexure P-6 at page 28 to the writ petition** before the respondent no.3.

Mr. Debabrata Saha Roy, learned counsel appearing for the writ petitioner contended that the respondent no.3 being the State authority had not paid any heed to the said recommendation sent by the school. As a result, the petitioner's appointment had not yet been approved by the State authority.

Mr. Saptansu Basu, learned senior counsel appearing for the respondent nos.4 and 5 submitted that the relevant school had contemplated to initiate disciplinary proceeding against this petitioner. However till now, no such disciplinary proceeding is on record.

None appears for the State.

After considering the submissions made on behalf of the parties and on perusal of materials on record, this Court is of the firm view that justice would be sub-served if the respondent no.3 is directed to take a reasoned decision on the said recommendation of the school at page 28 to the writ petition.

In view of the above, the respondent no.3 is directed upon giving a prior seven days' notice of hearing to the petitioner and the relevant school authority and after giving them an opportunity of hearing shall decide the issue by passing its reasoned order on the **Recommendation** made by the school at **page 28** to the writ petition strictly in accordance with law.

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

reasoned decision to the petitioner and the relevant school authority 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 claim of the petitioner in any manner and the petitioner and the relevant school authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the respondent no.3.

It is, however, made clear that this order shall not preclude the school authority to take steps strictly in accordance with law if the authority ultimately initiates disciplinary proceeding against the petitioner and the same may be brought to the notice of the respondent no.3 for his perusal.

Learned counsel on behalf of the relevant school authority has submitted that the show-cause notice dated November 15, 2019 had already been issued upon the petitioner and the petitioner had also replied thereto. However, such factual position has been denied by the learned counsel for the petitioner on instructions.

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

It is made clear that this order shall not create any equity or right in favour of the petitioner in the event the petitioner is found not to be eligible to receive her claim strictly in accordance with law.

In the event the reasoned decision goes in favour of the petitioner, the respondent no.3 shall take all possible and consequential steps in the matter to give effect to the said reasoned order positively within a period of three weeks

from the date of the said reasoned order to be passed and the relevant school authority also shall act thereupon.

On the above terms, this writ petition **WPO/143/2021** stands disposed of, without any order as to costs.

(ANIRUDDHA ROY, J.)