

13.08.2024
Ct. No. 14
Sl. No.73
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 510 of 2024

**Aparajita Karmakar
-versus-
The State of West Bengal & Ors.**

Mr. Subhabrata Chowdhury(VC)
Ms. Thirti Pandey
Mr. Biswajit Goswami
...For the Petitioner.

Mr. Samim ul Bari
Mr. Rezaul Hossain
... For the State.

Mr. Sarwar Jahan
Ms. Tapati Sarkar
... For the respondent no.5

Affidavit of service filed by the petitioner is taken
on record.

The petitioner is serving as “Shiksha Sahayika”.

In response to the Memorandum of the School
Education Department, she exercised her option to
continue service till 65 years of age. Unfortunately,
because of health issues, she is not in a position to
continue service. She has made a representation
permitting her to retire from service relying upon the
Memorandum of the School Education Department
dated 12th February, 2021.

It appears that the application filed in December, 2023 seeking retirement is addressed to the Additional District Magistrate (Zilla Parishad), the Block Development Officer, Joynagar-1 and to the District Coordinator (S.S.K,M.S.K). The same is yet to be considered.

Without entering into the merit of the application filed by the petitioner at this stage, the Court disposes of the writ petition by directing the Mission Director, Paschim Banga Rajya Shishu Shiksha Mission to consider the prayer of the petitioner on the basis of the prevailing memoranda and verify the medical documents submitted by the petitioner and thereafter take a decision on the prayer of the petitioner seeking retirement.

The Mission Director shall keep in mind that if the health of the petitioner does not permit her to continue service till 65 years of age then there is no point in retaining the petitioner in service because a physically unfit teacher will not be in a position to teach the students properly.

A decision shall be taken in the matter at the earliest but positively within a period of four months from the date of communication of this order.

Learned advocate for the petitioner is directed to forward a copy of the representation seeking premature retirement along with all other documents in support of

her prayer to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)