

22.04.2024
Sl. No.03.
Suman
Ct.No.238

WPA 7609 of 2023

Dr. Shanta Maulik
Vs.
The State of West Bengal and Ors.

Mr. Biswajit Ghosh
Mr. Sayan Chattopadhyay
..for the petitioner

Mr. Sourav Mondal
..for respondent no.5.

Mr. Pratik Majumder
Mr. Abul Mullick
..for the college

Ms. Rupsha Chakraborty
..for the State

On July 31, 2023 when this matter was taken
up for hearing, this Court passed the following order.

“The petitioner was an Assistant Professor at Nandalal Ghosh Basic Training College at Panpur, 24 Parganas North. The petitioner retired from her service on January 31, 2023.

The petitioner has filed this writ petition alleging inaction on the part of the college in not taking the necessary steps to release her retiral benefits.

Today, it has been submitted by the college that the college has already forwarded all necessary documents to the relevant authority for release of Provident Fund dues in excess of Rs. 23 lakh in favour of the petitioner and the same shall be credited to the petitioner’s bank account in a day or two.

There are some disputes with regard to the preparation of Service Book of the petitioner. The college suggests that the petitioner has 47

days to her credit towards Earned Leave while the petitioner disputes such figure. A dispute has also surfaced related to the treatment of January 08, 2019 as a break in the service of the petitioner.

To avoid engagement in factual disputes and to expedite the release of the legitimate dues of the petitioner, I direct the Director of Public Instruction, West Bengal to depute a competent officer who will visit the college, giving prior intimation to both the college and the petitioner. The college and the petitioner shall be present before the said officer with the relevant documents.

The said officer, after hearing both the parties, shall provide suitable guidance to the college for preparation of the Service Book accurately. The petitioner thereafter shall sign her Service Book.

The entire exercise should be completed by the officer appointed by the Director of Public Instruction within a period of two months from this date.

The said officer, thereafter, shall file a report before this Court through the learned advocate representing the State.”

Today, learned advocate appearing for the State submits that pursuant to the said order dated July 31, 2023, a two-member-committee was formed. The Committee has also made certain recommendations with regard to the retiral dues of the petitioner.

Mr. Biswajit Ghosh, learned advocate appearing for the petitioner submits that the college deliberately did not produce the relevant records before the committee and as such, the committee could not properly count the unauthorised leave obtained by the petitioner. He further submits that the committee also

could not come to a finding with regard to the “break in service” of the petitioner.

In that view of this matter, I dispose of the writ petition with the following directions.

Let the Committee report be placed before the Director of Public Instruction, West Bengal within a period of seven days from date. The Director of Public Instruction shall hear the petitioner as well as the college and finalise the retiral dues of the petitioner within a period of two months from date of communication of this order.

The college as well as the petitioner shall be at liberty to produce the necessary documents before the Director of Public Instruction.

With the aforesaid order, **WPA 7609 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)