

19.06.2024
Court No. 18
Item No. 02
(**Suvenu**)

WPA 13564 of 2022

Chandrani Ghosh

-Versus-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana

..... for the petitioner

The writ petition is heard in presence of the learned advocate representing the petitioner.

However, no one is representing the State respondents today in spite of service of notice upon Mr. Samim Ul Bari, learned advocate who is representing the State respondents.

The notice dated 12th June, 2024 of the learned advocate for the petitioner which was issued in terms of the order of this Court dated 12th June, 2024 is taken on record.

The petitioner being an Assistant Teacher in a Government aided High School in Kolkata prays for eighteen year's service benefits. According to the petitioner, she joined the post of Assistant Teacher on 12th July, 2001. Therefore, right to receive eighteen year's service

benefits in terms of the relevant Government Memorandum No. 181-SE(B)/5B-1/09 dated 8th October, 2009 accrued in favour of the petitioner with effect from the month of July, 2019.

During course of hearing, attention of this Court has been drawn to a document at page 33 of the writ petition wherefrom it appears that the Assistant Director of Accounts attached to the School Education Department, Kolkata, Government of West Bengal issued one memo dated 25th March, 2021 claiming certain documents which, according to the petitioner, are required to be forwarded by the school authority. It is also submitted on behalf of the petitioner that the petitioner has been informed that the documents which are required in terms of the said memo dated 25th March, 2021 were forwarded by the concerned school authority but the District Inspector of Schools (SE), Kolkata being the respondent no. 3 is not taking steps relating to sanction of eighteen year's service benefits.

Having considered the submissions made on behalf of the parties and on perusal of the materials available on record, the writ petition is disposed of by granting leave to the petitioner to

submit a comprehensive representation before the respondent no. 3 within a period of fortnight from date claiming eighteen year's service benefits. If such representation is made within the aforesaid time period by the petitioner before the respondent no. 3, the respondent no. 3 in his turn shall decide the claim of the petitioner within a period of eight weeks from the date of receipt of the representation after granting opportunity of hearing to the petitioner and the authorities of Chetla Girls' High School, Kolkata or their representatives. The said school authorities are also directed to cooperate with the respondent no. 3 in taking decision and if relevant documents relating to the service of the petitioner have not been forwarded to the District Inspector of Schools (SE), Kolkata till date, the school authorities shall forward the relevant documents to the District Inspector of Schools (SE), Kolkata within a period of one week from date. However, ultimately if the respondent no. 3 takes decision determining that the petitioner is entitled to receive eighteen year's service benefits, consequential steps shall be taken by the respondents for extending such benefits in favour of the petitioner.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)