

14.05.2024
Court No. 15
Item No. 02
(Suvendu)

W.P.A. 24023 of 2023

Payal Swarnakar
-Versus-

The State of West Bengal & Ors.

Mr. Ahrarul Haque
.....for the petitioner

Ms. Manali Biswas
.....for the respondent nos. 3-6

Mr. Mrityunjoy Goswami
Mr. Arijit Sarkar
.....for the State

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

The petitioner by presenting this writ petition has prayed for reinstatement in the post of Computer Instructor in Ladhuram Tosniwal Sarada Vidya Mondir, District –Murshidabad (hereinafter referred to as “said school”) and prayer is also made for payment of compensation in view of the loss incurred by the petitioner.

The learned advocate representing the petitioner submits that the petitioner was permitted to function as computer instructor in the said school but it has been admitted that

there was no appointment letter issued by the said school authority and the engagement of the petitioner was based on verbal communications. It is also submitted that in spite of discharging duty as computer instructor for quite some time in the year 2023 the service of the petitioner was discontinued and the computer equipments of the petitioner which were lying at the school were not returned to him for which he suffered loss.

The learned advocate representing the State respondents submits that the said school is not a Government aided school. Therefore, concerned District Inspector of Schools has no role of play in mitigating the grievance of the petitioner.

The school authority is represented by the learned advocate. She submits that the petitioner functioned as computer instructor from 2009 till 2023 but subsequently on developing infrastructure at the school another computer instructor has been appointed, as a result whereof the school authority had to take decision to discontinue the service of the petitioner. It is also submitted that the school in question is not getting any government aid and

is fully run and administered by private organization.

Having considered the submissions made on behalf of the parties and taking note of the fact that no formal appointment letter was issued in favour of the petitioner who functioned as a computer instructor in the said school for some time on verbal communication, no right accrues in his favour to pray for continuity in service. Therefore, prayer of the petitioner for reinstatement cannot be countenanced.

Another aspect of the matter is that the petitioner has prayed for payment of compensation as he suffered loss based on allegation that some computer equipments were not returned to the petitioner while discontinuing his service. If computer equipments of the petitioner are lying with the school and the school did not return the same, appropriate remedy lies before the different forum and such issue cannot be gone into in exercise of writ jurisdiction.

Accordingly, the writ petition stands dismissed.

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

However, this order shall not preclude the petitioner to take steps in accordance with law if the computer equipments are not returned by the said school.

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

(Saugata Bhattacharyya, J.)