

Court No. 22

18.4.2024

(Item No. A-112)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 26129 of 2015

+

CAN 1 of 2022

Gayatri Pradhan

VS

The State of West Bengal & Ors.

Md. Sarwar Jahan

Mr. Sayantan Hazra

..... for the petitioner

Mr. Gourav Das

Mr. Hemanta Kumar Das

.... For the State

Mr. Masud Mallik

.... For respondent Nos. 5 & 6

This is a hearing matter on affidavits.

The petitioner claims honorarium. She is working at one **Mugberia Junior Girls' High School**. The appointment letter is at **Annexure P-2** at **page 17** to the writ petition.

Mr. Sarwar Jahan, learned counsel for the petitioner drawing attention to **Annexure P-4** at **page 21** to the writ petition submits that, claiming honorarium a representation has been submitted by the petitioner before the respondent No. 2 and the same has not yet received attention of the State authority.

Mr. Masud Mallik, learned advocate appearing for respondent Nos. 5 and 6 submits that, at the relevant point of time it was detected that the petitioner was lacking of necessary qualification and the petitioner did not comply with all the requisite formalities, hence, the claim of the petitioner cannot sustain in law.

Mr. Hemanta Kumar Das, learned State advocate appears for respondent Nos. 1 and 3.

After considering the submissions made on behalf of the parties and upon considering the materials before this Court and also upon reading the pleadings filed in this writ petition it appears to this Court that though honorarium cannot be claimed as a matter of right but whether the petitioner had the requisite qualification or that the petitioner had complied with requisite formalities are required to be gone into by conducting a fact finding enquiry, which is not the job of a writ Court.

In view of the above, the respondent No. 2 upon giving a prior hearing notice of at least seven days to the petitioner and the respondent Nos. 5 and 6 shall decide the representation of the petitioner dated **March 25, 2015, Annexure P-4** at **page 21** to the writ petition after granting them an opportunity of hearing and by passing a reasoned order in accordance with law.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner or the merits of the submission made on behalf of the appearing parties. The petitioner and the respondent Nos. 5 and 6 shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the respondent No. 2.

Since pleadings are complete in this writ petition, the petitioner shall serve a complete set of writ petition with the affidavits filed by the parties, before the respondent No. 2 along with a copy of today's order.

The respondent No. 2 shall carry out and complete the exercise as directed above positively within a period of **six weeks** from the date of communication of this order. The respondent No. 2 shall communicate its reasoned order to the petitioner and the respondent Nos. 5 and 6 positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

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

In the event, reasoned order goes in favour of the petitioner, all consequential steps shall be taken by the appropriate authority in accordance with law.

On the above terms this writ petition being **W.P.A. 26129 of 2015** along with **CAN 1 of 2022** stand **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)