

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

03.07.2025

Ct. no.2
Daily List Sl. No. 08
Moumita

WPA 14528 OF 2024

**Sima Das
Vs.
The State of West Bengal & Ors.**

**Mr. Ujjal Ray
Sk. Abdur Rahim**

.... For the Petitioner

**Mr. Suman Dey
Mr. Kalpita Paul**

....For the State

Mr. Sunit Kr. Roy

....For SSC

Ms. Koyeli Bhattacharyya

....For W.B.B.S.E.

Affidavit-of-service, filed in Court today, is taken on record.

This is an assigned writ petition.

Mr. Ujjal Ray, learned advocate appears for the petitioner.

Ms. Kalpita Paul, learned advocate led by Mr. Suman Dey, learned advocate appears for the state.

Mr. Sunit Kr. Roy, learned advocate appears for SSC.

Ms. Koyeli Bhattacharyya, learned advocate appears for West Bengal Board of Secondary Education.

On the alleged plea of an unauthorized absence the salary of the petitioner was stopped and then was paid in truncated manner, as alleged by the petitioner. The petitioner has submitted a representation dated **April 1,**

2024 at page 63 to the writ petition before the respondent no. 6. The same has not yet been disposed of.

In view of the above, the respondent no. 6 upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent no. 8 and after granting them an opportunity of hearing shall dispose of the said representation dated **April 1, 2024, at page 63** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no. 6 positively within a period of **six weeks** from the date of communication of this order. The reasoned order shall be communicated to the petitioner and the respondent no. 8 within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the rival contentions of the parties and the petitioner and the respondent no. 8 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. 6 but the same shall not travel beyond the scope of the said representation dated **April 1, 2024** as referred to above.

It is needless to mention that the petitioner shall be entitled to participate in the hearing along with her duly authorized representative.

In the event, the reasoned order goes in favour of the petitioner then the appropriate authorities shall take all necessary steps to give an immediate effect thereto in accordance with law but positively within a period of ***four weeks*** from the date of the said reasoned order to be passed.

It is also made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to her claim before the respondent no. 6 strictly in accordance with law. The petitioner shall serve a copy of the complete set of writ petition along with a copy of today's order upon the respondent no. 6 forthwith. The respondent no. 6 shall ensure the presence of respondent no. 8 before it while conducting the hearing.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, ***WPA 14528 of 2024*** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)