

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4934 of 2025

Ananya Chatterjee
v.
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Haritri Roy
Mr. Anupam Singha
Mr. Ratul Ghosal
... For the petitioner

Mr. Santanu Kumar Mitra, SGA
Mr. Amartya Pal
... For the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
... WBCSSC

Mr. Saibal Acharyya
Mr. Tanweer J. Mandal
... For the Chairman,
DPSC Purba Bardhaman

1. Affidavit-in-opposition filed on behalf of the respondent nos.1, 2 and 3 and the supplementary affidavit filed on behalf of the petitioner are taken on record.

2. The petitioner seeks pay protection. She was previously serving as Primary School Teacher prior to her joining in Haldibari Girls' High School as Assistant Teacher on 18th March, 2025.

3. In the affidavit-in-opposition filed by the Sub-Inspector of Schools (Secondary Education), Coochbehar, the respondent authority has mentioned

that the District Inspector of Schools (Secondary Education), Coochbehar did not receive any prayer from the petitioner seeking pay protection till date.

4. The opposition further mentions that pay protection is decided in accordance with the order of the School Education Department, Primary Branch, Government of West Bengal vide No.269-SE(Pry.) dated 16th April, 1996.

5. The respondent authority contends that as the petitioner did not make any formal prayer for protection of her pay, accordingly, no decision has been taken in this regard.

6. Learned advocate for the petitioner relies on the decision passed by the Hon'ble Division Bench of this Court in the matter of **Kali Kinkar Chatterjee v. State of West Bengal & Ors.** reported in **(2007) 1 Cal LT 384 (HC)** particularly paragraph 16.

7. According to the petitioner, formal application seeking pay protection was not made as the instant writ petition is pending.

8. Upon hearing the parties, the instant writ petition stands disposed of by granting liberty to the petitioner to file a comprehensive representation before the District Inspector of Schools (Secondary Education), Coochbehar highlighting her grievances.

9. In the event such representation is made, the same shall be considered by the District Inspector of Schools (Secondary Education), Coochbehar strictly

in accordance with the Government Order dated 16th April, 1996 mentioned hereinabove.

10. The aforesaid respondent shall take into consideration the ratio laid down by the Hon'ble Division Bench in the matter of Kali Kinkar Chatterjee (supra).

11. A decision shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of filing of the representation.

12. If the claim of the petitioner is allowed, then necessary consequential steps shall be taken by the respondent authority.

13. Learned advocate for the petitioner is directed to forward copy of all supporting documents including the judgment in the matter of Kali Kinkar Chatterjee (supra) at the time of submitting the representation.

14. The writ petition stands disposed of.

15. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

16. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)