

22.04.2026
Ct. No.24
Sl. No.340
akd

W. P. A. 5671 of 2026

[Smt. Siuli Bajpayee -Vs- The State of West Bengal & Ors.]

Mr. Pulakesh Bajpayee
... .. for the petitioner

Mr. Arnab Dutt
... .. for respondent nos.5 to 8
[Aditya Birla Vani Bharati High School]

Mr. Manas Kumar Sadhu
... .. for the State

1. The petitioner is aggrieved that her claim for interest on the gratuity amount has not been considered nor paid by the school authority.
2. Mr. Pulakesh Bajpayee, learned Advocate appearing for the petitioner submits that the petitioner is an elderly person and even if an alternative remedy is available, the sheer timeline before the authority would be a self-defeating purpose.
3. Mr. Arnab Dutt, learned Advocate appearing for the respondent nos.5 to 8 (Aditya Birla Vani Bharati High School) submits that the school is a private unaided school and does not fall within the realm of prerogative writs of this Hon'ble Court under Article 226 of the Constitution of India.
4. Mr. Madhusudan Sadhu, learned Advocate, who ordinarily appears for the State-respondents and is present in court, is requested to appear on behalf of the State. His appointment may be regularized in this matter.
5. It is absolutely true that the school concerned is a private unaided institution and the dispute between the petitioner and the school is in the realm of private disputes, which are contractual in nature.

6. The dictum of the Hon'ble Supreme Court in the case of ***St. Mary's Education Society & Anr. vs. Rajendra Prasad Bhargava & Ors.*** reported in ***(2023) 4 SCC 498*** and ***Army Welfare Education Society, New Delhi vs. Sunil Kumar Sharma & Ors.*** reported in ***(2024) 16 SCC 598***, where it has been authoritatively held that private disputes between the school and its employee do not fall within the public domain and cannot come within the realm of the prerogative writs of the Hon'ble High Court.
7. In view of the afore-stated, the writ petition is accordingly, dismissed.
8. The petitioner will be at liberty to approach the school for seeking payment of the interest on the gratuity amount, which the school authority will consider in accordance with law.
9. There shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)