

Ruby Bhattacharyya Vs. State of West Bengal and ors.

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Court : Kolkata

Decided On : Jun-20-2014

Judge : Ashim Kumar Roy

Appellant : Ruby Bhattacharyya

Respondent : State of West Bengal and ors.

Judgement :

IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction Original Side Present : The Honble Justice Ashim Kumar Roy June 20, 2014 WP210of 2012 Ruby Bhattacharyya versus State of West Bengal & ORS.Mr.Anjan Bhattacharya, Advocate for the petitioner Mr.Joytosh Majumdar, Additional Government Pleader with Mr.Sadhan Halder, Advocate Mr.Shamim UI Bari, Advocate for the State The Court :- Heard Mr.Anjan Bhattacharya, learned Advocate for the petitioner and Mr.Joytosh Majumdar, Additional Government Pleader along with Mr.Sadhan Halder, learned Advocate and Mr.Shamim UI Bari, learned Advocate for the State respondents.

The District Inspector of Schools, Kolkata is personally present in Court.

Affidavit filed by her be taken on record.

Having regard to the averments made in paragraph 10 in this affidavit as also in paragraph 11, I do not incline to proceed any further against her for non-supplying instruction.

This writ application is directed against the order passed by the Director of School Education, West Bengal being Annexure P-13 to the writ petition.

The only grievance of the writ petitioner is that no notional benefit granted to the petitioner although similarly situated school teachers of the same school are obtained such benefit and this action of the respondent authorities is violative of equality clause contained in Article 14 of the Constitution of India.

In reply, Mr.Joytosh Majumdar draws the attention of the ordering portion of Annexure P-13 and disputed the contention of Mr.Anjan Bhattacharya, learned Advocate for the petitioner.

Mr.Majumdar contended that the order does not spell out the respondent authorities to come to a decision to give notional benefit to the writ petitioner but what they have contended is that from which date such notional benefit will be given shall be considered after the petitioner files a representation and also considering as to whether the petitioner is similarly situated with those other teachers who have already been granted the notional benefit.

Mr.Majumdar further submitted that the respondent authorities are ready and willing to grant notional benefit if she is found similarly situated or standing on the same footing with the other teachers of the same school, then there will be nothing to stand on the way in granting notional benefit to the writ petitioner.

Having considered the rival submission of the parties and very particularly what has been submitted by Mr.Majumdar I do not think that nothing is left for decision of this Court.

Accordingly this writ application stands disposed of.

(Ashim Kumar Roy, J.) ANC.

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