

(2007) 06 CAL CK 0005
In the Calcutta High Court
Case No : M.A.T. No. 4459 of 2005

Managing Committee, Kholapota Prankrishna Halder Girls
High Schools and Another

APPELLANT

Vs

Ibedita Ray

RESPONDENT

Date of Decision : 08-06-2007

Acts Referred:

Citation : (2007) 06 CAL CK 0005

Hon'ble Judges : Tapas Kumar Giri, J; Ashim Kumar Banerjee, J

Bench : Division Bench

Advocate : Indrajit Dasgupta and Kazi Ahmed Hossain, for the Appellant;
Ekramul Bari, Syed Mansur Ali for Respondent, T.P. Halder for State and Tania
Sengupta for Respondent Nos. 6 and 7, for the Respondent

Final Decision : Allowed

Judgement

Ashim Kumar Banerjee, J.—The respondent No. 1 was a teacher in Kholapota Prankrishna Halder Girls' High School in the district of 24-Parganas (North). She appeared in the School Service Commission examination and after becoming successful therein, she was recommended in Ramkrishna Mission Sarada Mandir in the district of 24-Parganas (South), which is nearer to the residence of the respondent No. 1 compared to the earlier school. Since the earlier school being the appellant is not issuing the appropriate letter of release, the respondent No. 1 could not join the new school. She approached the learned Single Judge by filing a writ petition. His Lordship by an order dated September 15, 2005 directed the appellant to issue necessary letter of release so that the respondent No. 1 could join her new school after receiving the appropriate letter of appointment.

2. Being aggrieved by and/or dissatisfied with the judgment and order of the learned Single Judge, the Kholapota Prankrishna Halder Girls' High School preferred the instant appeal.

3. Mr. Indrajit Dasgupta, learned Counsel appearing for the appellant submits

that if the respondent No. 1 is relieved of her responsibility to teach in the appellant school it would cause immense prejudice to the students of the school. The respondent No. 1 was accommodated by granting appropriate leave for undergoing B.Ed. course for welfare of the students. Hence, she should not be allowed to leave the school to join other school.

4. Mr. Dasgupta also contends that she was not eligible to appear at the School Service Commission Examination, and as such, her recommendation is illegal.

5. Mr. Tara Prasad Halder, learned Counsel appearing for the State, however, opposes the appeal. According to Mr. Halder since the respondent No. 1 was successful in the School Service Commission examination she was entitled to join the new school which is nearer to her residence. Mr. Halder further submits that the appellant did not have any authority to withhold the necessary release order to the respondent No. 1 so that she could join her new school.

6. Heard the parties at length. We are of the view that whether the respondent No. 1 was entitled to sit for the examination or not is a matter between the respondent No. 1 and the School Service Commission. The appellant had nothing to say in the matter. Hence, such contention is rejected.

7. We do, however, appreciate the agony of the appellant that in case the respondent No. 1 is released so long a new teacher is not appointed the students would suffer immense prejudice. However, on that ground release order could not be withheld to the respondent No. 1.

8. The appellant is directed to comply with the directions of the learned Single Judge at once. The new school being Ramkrishna Mission Sarda Mandir is also directed to issue necessary letter of appointment to the respondent No. 1 after receipt of the release order.

9. The school authority being the appellant herein is, however, at liberty to intimate the vacancy to the concerned District Inspector of Schools immediately and as and when such communication is received, the concerned District Inspector of Schools must take immediate step to have the vacancy filled up, preferably within a period of two weeks from the receipt of communication of such vacancy through the recommendation of the School Service Commission. The School Service Commission is also directed to act expeditiously as possible in the matter.

10. The appeal is disposed of accordingly without any order as to costs.

Tapas Kumar Giri, J.

11. I agree.