

Court No. 17

WPA 5406 of 2022

20.05.2022

(SL 1)

(S. Banerjee)

Babita Sarkar

Vs.

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Advocate

Mr. Firdous Samim

Ms. Gopa Biswas

Ms. Mousumi Hazra

... for petitioner

Mr. Samrat Sen, Sr. Advocate

Mr. Bhaskar Prasad Vaisya

Mr. Arindam Chattopadhyay

... for the State

Mr. Kishore Dutta, Sr. Advocate

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC

Ms. Koyeli Bhattacharya

... for the WBBSE

Mr. Billwadal Bhattacharya

Mr. Samrat Goswami

... for CBI

Mr. Biswaroop Bhattacharya

Mr. Suvankar Nag

... for respondent nos. 7 and 8

In my order dated 17.05.2022 I observed that - whether the School Service Commission would take steps under Rule 17 of the relevant rules or not and whether said Ms. Ankita Adhikary would be removed from her service or not, was a matter to be decided by the Commission.

Today I understand that no such steps could be taken by the Commission and I accept the reasons shown before this court by the Commission for not being able to take some steps. I am of the view that the Commission may not be able to take steps soon as to the continuation of service of said Ms. Ankita Adhikary as an Assistant Teacher in Indira Girls' High School (H.S.) in the district of Coochbehar.

I have been told that the Chairman, during whose chairmanship I passed the order, has resigned. Though the resignation has been accepted and no new Chairman has been appointed till date and at the same time because of some situation, disputed by the Commission, arose and orders were passed yesterday, no work could be done in the Commission's office by the Commission's officers and today also it is difficult for them and then for coming two days I do not know how the situation will take a turn and for this reason I want to pass the following orders as to the service of said Ms. Ankita Adhikary in the school as an Assistant Teacher in the subject of Political Science.

My order is as follows:-

- i) Said Ms. Ankita Adhikary shall not be treated as a teacher recommended by the School Service Commission and appointed by the

West Bengal Board of Secondary Education
until further order passed by this court;

- ii) Said Ms. Ankita Adhikary or any other person on her behalf shall not be allowed to enter into the school premises until further order. Said Ms. Ankita Adhikary is restrained from introducing herself as a teacher of the school recommended by the Commission until further order. If any such report comes to this court that she has introduced herself as a teacher of the school recommended by the Commission, the court will take appropriate steps against her;
- iii) Today I wanted to know from the learned advocates of said Ms. Ankita Adhikary the date when she joined the school. I am told that she joined the school on 24th November, 2018. She has worked in the school for 41 months or so. I direct the said Ms. Ankita Adhikary to deposit the entire money received as net salary as a teacher from 24.11.2018 till date in two instalments with the Registrar General of this court. The first of such instalments has to be deposited by 7th June, 2022 and the second instalment of the entire amount of money received by her as net salary

and other allowances is to be deposited by 7th July, 2022. This order is mandatory like the other orders passed above.

- iv) The post in which said Ms. Ankita Adhikary was recommended and appointed shall be treated as a vacant post and it will not be filled up and it will be earmarked for the petitioner Ms. Babita Sarkar who was actually to be appointed as the Assistant Teacher if the extreme illegality would not have taken place.
- v) The concerned District Inspector of Schools is directed not to pay any salary to said Ms. Ankita Adhikary until further order by this court.

The Central Bureau of Investigation placed a status report in court today which I have perused and returned back to Mr. Samrat Goswami, learned advocate for the CBI.

The supplementary urgent application to move the matter has been filed by the petitioner in a regularised manner which is kept on record.

Stay of operation of this order has been prayed for by Mr. Biswaroop Bhattacharya, learned advocate for the added respondent nos. 7 and 8 which I have considered and rejected.

List the matter on 10th June, 2022 when it will be taken up at 2 p.m.

(Abhijit Gangopadhyay, J.)