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W.P.A. 6254 OF 2021

(Through Video Conference)

Sreemoyee Dutta

Vs.

The State of West Bengal & Ors.

Mr. Kallol Basu
Mr. Nilanjan Pal.

.... For the Petitioner

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal.

.... For the State

Mr. Saptangshu Basu
Mr. Debapriya Gupta.

.... For the Respon-
dents 4 & 5.

1. Affidavit-of-service, filed in Court, be kept with the record.

2. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated February 19, 2021 passed by the District Inspector of Schools (S.E.), Kolkata [hereafter referred to as 'the D. I.'] rejecting the representation of the petitioner with regard to the petitioner being given Dearness Allowance (hereafter the D. A.).

3. The facts of the case show that the school authorities are not interested in forwarding the name of the petitioner to the D. I. to fill up the vacancy within the

sanctioned strength that may have arisen for the approval of the petitioner to get D. A.

4. Mr. Kallol Basu, learned counsel appearing on behalf of the petitioner has relied on *G.O. No. 1691-SE (S) dt. 20.09.2001* to indicate that the petitioner has a right to such approval.

5. Both parties have agreed that to decide finally on the merits of this case, affidavits are required to be exchanged. Accordingly, direction for affidavits are given below.

6. Let affidavit-in-opposition be filed within four weeks from date; reply thereto, may be filed within a week thereafter.

7. Counsel appearing for the petitioner further submits that there is a serious apprehension that she may be removed from the school, and accordingly, prays for an injunction restraining the respondents, school authorities, from taking any coercive steps against the petitioner affecting the employer-employee relationship between the petitioner and the said school.

8. Mr. Saptangshu Basu, learned counsel appearing on behalf of the school authorities has vehemently opposed the prayer for interim order of injunction.

9. In my view, the apprehension of the petitioner, at this moment, cannot give rise to a writ of mandamus to

be issued directing the school authorities not to take any action against the petitioner.

10. Needless to mention, any action taken by the school authorities shall be in accordance with law.

11. The petitioner shall, of course, be at liberty to knock the doors of the High Court in the event any illegal action is taken by the school authorities against her.

12. Liberty is given to the petitioner to mention before this Court in the event any coercive action is taken against the petitioner.

(Shekhar B. Saraf, J.)