

**(2007) 12 CAL CK 0017**

**Calcutta High Court**

**Case No:** Writ Petition No. 25523 (W) of 2007

Shibani Das

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

**Date of Decision:** Dec. 10, 2007

**Citation:** (2008) 1 CHN 822

**Hon'ble Judges:** Biswanath Somadder, J

**Bench:** Single Bench

**Advocate:** Kamalesh Bhattacharjee and Biswarup Biswas, for the Appellant; Santi Das and Saibai Acharyya, for the Respondent

### **Judgement**

Biswanath Somadder, J.

Affidavit-of-service filed on behalf of the writ petitioner may be kept on record.

2. Heard the learned Advocates appearing on behalf of the parties.
3. None appears on behalf of the school authorities when the matter is called.
4. The writ petitioner appears to be aggrieved by the inaction on the part of the school authorities, who, according to the writ petitioner, have withheld the release order in favour of the writ petitioner to allow her to join the other school where she has been recommended by the West Bengal Regional School Service Commission. Apart from this, the writ petitioner has contended that she has also not been given the last pay certificate by the concerned school.
5. After considering the submissions made and upon perusing the writ petition, I am of the view that once a statutory authority, that is to say, West Bengal Regional School Service Commission, has issued a recommendation in favour of the writ petitioner, the school authorities have no business to stand in the way and prevent the writ petitioner from joining another school. The release order is a must, to enable the writ petitioner to join the new school, so also is the last pay certificate.

6. Considering this aspect of the matter, I direct the respondent No. 2 to issue necessary directions upon the concerned school authorities to issue release order and last pay certificate in favour of the writ petitioner so as to enable her to join her new school, in terms of the recommendation of the West Bengal Regional School Service Commission. This direction may be issued by the said respondent authority within a period of a fortnight from the date of communication of this order and the school authorities shall within a week therefrom carry out the directions as contained in the instruction/order issued by the concerned respondent authority.

7. After obtaining the release order and last pay certificate from the concerned school authorities, the writ petitioner shall join the new school within a week from the date of receipt of the said release order and last pay certificate from the erstwhile school authorities.

8. The writ petition stands disposed of in terms of directions given hereinabove. There shall be, however, no order as to costs.

Since no affidavits have been called for, allegations made in the writ petition, if any, against the State respondents are deemed to have been not admitted.

Xerox plain copy of this order duly countersigned by the Assistant Register (Court), be given to the parties on usual undertakings.