

Form No.J(2)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

Present :

The Hon'ble Justice Raja Basu Chowdhury

**WPA 522 of 2026
Ranjan Roy
Vs.
The State of West Bengal & Ors.
with
WPA 523 of 2026
Sudipta Roy @ Ray
Vs.
The State of West Bengal & Ors.**

For the petitioners : Mr. Pradip Chatterjee
Mr. Uday Sankar Sarkar
Ms. Srishthi Sarkar

For the : Mr. Kunaljit Bhattacharjee, AGP
Ms. Esha Acharya

Heard on : 09.09.2026, 10.09.2026

Judgment on : 10.09.2026

Raja Basu Chowdhury, J (Oral):

1. The instant writ petitions have been filed, inter alia, praying for a direction upon the respondents to release arrear salary of the petitioners with effect from 1st May 2025 along with applicable interest. The petitioners' case proceed on the premises that the both the petitioners were duly selected and appointed in the year 2021 as computer instructor. The petitioner in WPA 522 of 2026 (hereinafter referred to as the first petitioner) was appointed as a computer instructor for Bhawani High School, Jalpaiguri which is a

Government sponsored school and the petitioner in WPA 523 of 2026 (hereinafter referred to as the second petitioner) had joined as computer instructor in Nandanpur High school, Jalpaiguri, which is also a Government sponsored school. The first petitioner had joined the said post which had fallen vacant by reason of a resignation tendered by the existing instructor, Lalit Roy and the second petitioner had joined the same by reason of the vacant post created due to tendering of resignation of the existing instructor, Dhrubojyoti Sen.

2. According to the petitioners the selection of the petitioners was through Extra Marks Education India Private Ltd, an approved agency under the Government of West Bengal, School Education Department. In support of the petitioners' contention the petitioners not only relied on their education qualifications but also appointment letters issued by Extramarks Education India Pvt. Ltd.

3. The petitioners would submit that the petitioners had joined their respective schools on 4th January 2021 and have been working diligently thereat. Subsequently, the petitioners came across a notification dated 23rd September 2021 issued by the Joint Secretary to the Government of West Bengal, addressed to the Additional Secretary, School Education Department, Bikash Bhavan, Kolkata, whereunder it was recorded that the Education Department has approved 181 IT personnel (Computer Instructors) and this approval has been accorded on the presumption that the concerned department has verified that original documents of the incumbents and the proposal has been initiated after due verification of correctness of data provided. The petitioners contend that the name of the first petitioner appeared

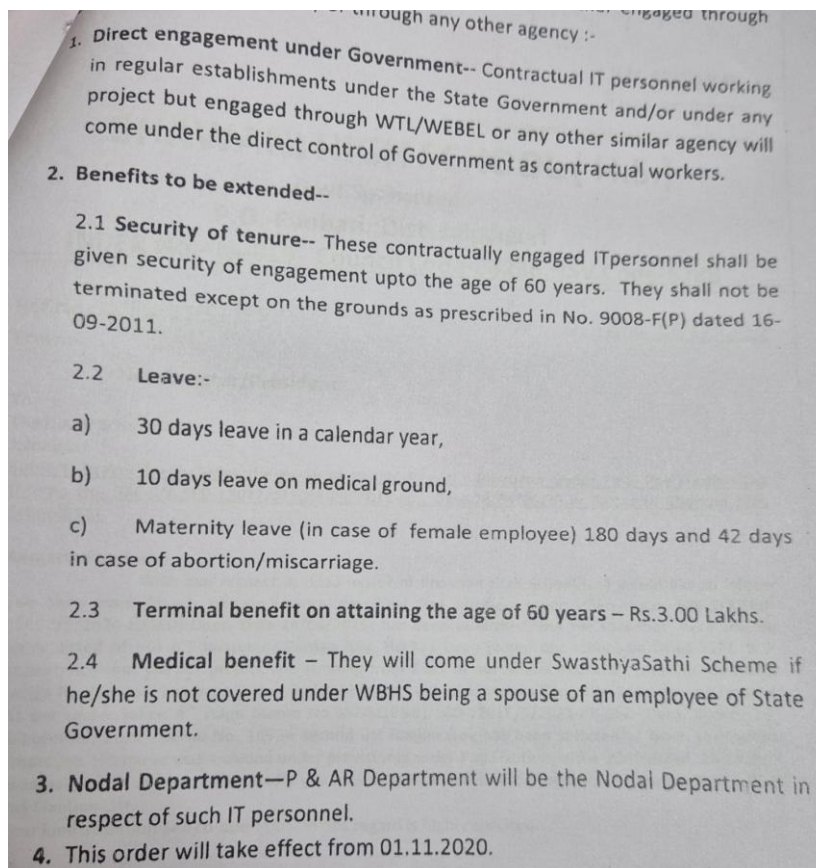
in the aforesaid list of 181 candidates under serial no. 165 and that of the second petitioner under serial no. 161.

4. Mr. Chatterjee, learned advocate appearing for the petitioners has, however, drawn attention of this Court to the communication dated 4th June 2025 issued by the District Inspector of Schools (SE), Jalpaiguri wherein the petitioners were informed that the petitioners remuneration has been stopped as the date of joining of the petitioners falls after issuance of the memo dated 16th October 2020 issued by the Government of West Bengal.

5. In this context, he has placed reliance on the said memo wherein it is recorded that the Government has, in the last few years initiated a large number of e-Governance reforms including computersization of different services to improve the ease of doing business in the State as well to ensure seamless transfer of welfare benefits to people. In order to achieve this, different departments have engaged IT personnel (particularly Data Entry Operators / Computer Operators). This engagement of IT personnel in different categories has been done either through WEBEL or WTL or similar agencies, even while some engagements have been made directly departmentally.

6. Considering the fact that the aforesaid personnel are not being extended benefits like security of tenure, leave and other terminal benefits, as they were contractually engaged, it was decided that since these contractually engaged IT personnel play a critical role in the continuing success of e-Governance reforms, their service conditions have been revived and it has been felt that the present terms and conditions of their engagement need to be improved upon to retain the best talents in the Government and get best services out of them.

With this end in view, the State Government has decided to make the following changes in the terms and conditions of the engagement of IT personnel engaged under regular establishments and in different programme / projects whether engaged through WEBEL /WTL or departmentally or through any other agency. To morefully appreciate the same, the terms and conditions are extracted hereinbelow :



7. It is submitted that the petitioners are still continuing. Unfortunately, in the instant case, since the petitioners' appointment is marginally beyond the date of notification, the respondents have denied the benefit of the said notification to the petitioners and have also stopped the payment and salary, though the petitioners continue to discharge their functions as computer instructors.

8. The State is represented.

9. Mr. Bhattacharjee, learned AGP has brought to the notice of this Court that in the instant case, since the petitioners' date of joining is beyond the date of the notification dated 16th October 2020, the benefit of the notification could not be extended to the petitioners. He, however, does not dispute the fact that the petitioners are still working as computer instructors.

10. Having heard the learned advocates appearing for the respective parties, I find that in the instant case, respondents have filed an instruction duly counter signed by the District Inspector of Schools (SE), Jalpaiguri dated 7th April 2026. From the aforesaid document it is not in dispute that the petitioners continue to discharge their functions as computer teachers. Unfortunately, since the date of appointment of the petitioners is marginally beyond the date of the Government notification, the petitioners have not been extended the benefit of the said notification.

11. It is however not in dispute that both the petitioners are similarly circumstanced with the other computer instructors who have been provided with the benefit. Such fact would corroborate from the memo dated 29th September 2021 wherein the respondents themselves have included the petitioners in the roll of approved list of ICT instructors. Benefit of the notification has, however, been denied to the petitioners by reason of the petitioners being appointed at a marginally later date than that of the notification.

12. Having regard to the aforesaid, I am of the view that since the petitioners are similarly circumstanced with the other employees and the petitioners' role in continued success of e – Governance reforms cannot be

doubted especially, when the petitioners continue to render service as per their engagement, the Administrative Officer and ex-officio Joint Director, Directorate of School Education, West Bengal before whom the matter is presently pending consideration, pursuant to the memo dated 24th September 2025 issued by the District Inspector of Schools (Secondary Education), Jalpaiguri, is directed to take an informed decision by passing a reasoned order and extend the benefits of the notification to the petitioners.

13. All consequences shall follow.

14. With the above direction and observation, the writ petition is disposed of.

15. All parties shall act on the basis of server copy of this order duly downloaded from this Court's official website.

(RAJA BASU CHOWDHURY, J.)

Saswata
Assistant Registrar (Court)