

22-12-2020

Ct. 12

MAT 657 of 2020
With
CAN 1 of 2020

Niladri Sekhar Duley
Versus
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Ekramul Bari, Adv.
Mr. S.P. Lahiri, Adv.
...for the appellant

Mr. Joyotosh Majumder, Id. GP
Mr. Basubrata Basu Mallick, Adv.
Mr. Raja Saha, Adv.
...for the State

By consent of the parties, the appeal and the application are taken up together for hearing and dispose of by this common order.

We have heard the learned Counsel for the parties.

The appeal is arising out of an order passed by the learned Single Judge in refusing to pass an ad-interim order to the petitioner with regard to release of his arrear salary.

With due respect to the learned Single Judge, we feel that our earlier order has not been properly construed. In our order dated 20th December, 2019 passed in CAN 11511 of 2019 in MAT 1663 of 2019, we have affirmed the order of the learned Single Judge and in disposing of the appeal, we have observed as follows:

“All payments towards arrear, salary from February, 2019 shall be released by 31st December, 2019 and shall abide by the decision of the President, West Bengal Board of Secondary Education.”

The respondent authorities have failed to satisfy us with regard

to the compliance of the aforesaid directions. It was due to non-payment of the aforesaid sum, the writ petitioner applied before the learned Single Judge.

We, accordingly, direct the District Inspector of School (SE), Bankura to release the arrear payment positively by 29th December, 2020. We make it clear that all payments made in this regard in terms of our earlier order dated 20th December, 2019, shall abide by the decision of the President, West Bengal Board of Secondary Education.

By consent of the parties, the President, West Bengal Board of Secondary Education, is added as respondent no. 4 in the writ petition and the respondent no. 4 in the Memorandum of Appeal and the stay petition. Ms. Koeli Bhattacharyya, learned Counsel is representing the Board of Secondary Education.

The learned Counsel for the parties have requested this Court to fix a date and time for hearing on communication dated September 11, 2019.

Accordingly, we fix 6th January, 2021 at 12 noon when the writ petitioner shall be present before the President, West Bengal Board of Secondary Education. It is made clear that no further notice shall be served upon the writ petitioner. In the event, the writ petitioner is unable to attend the hearing, the President of the Board shall be at liberty to consider the matter on the basis of the available record and dispose of the claim of the appellant in accordance with law.

The appeal, being MAT 657 of 2020 and the application, being CAN 1 of 2020 are disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)