

S/L 1
20.01.2020
Ct. No. 2
GB/CP

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A. 1013 of 2019

***Abdul Momem Miah
-Versus-
The State of West Bengal & Ors.***

Mr. Jakir Hosain ...For the Petitioner

***Mr. Bikramaditya Ghosh,
Mr. Momenur Rahaman ...For State Respondents***

Affidavit-of-service filed in Court today be kept on record.

The petitioner was an approved Assistant Teacher of Moynaguri High School (H.S.). The petitioner had the qualification of M.A. in History. The petitioner joined his service on July 28, 2011. The service of the petitioner was approved by a letter dated August 12, 2011. The petitioner has filed this writ petition praying for restoration of two increments for the years 2016 and 2017 on the ground that the petitioner completed the B.Ed. course in 2017 through distance learning. According to the petitioner, the petitioner for certain reasons could not complete the B.Ed. training within 2012, as directed in the Memo No.759-SE(S)/2P-1/09 dated July 30, 2009, issued by the School Education Department, Government of West Bengal which is as follows:

“In reference to his memo No. 2443-GA/OM-20/2006 (Pt.) dated 24.12.2008 on the above noted subject, the undersigned is directed to say that as per existing rule/provision 4 (four) increments are allowed to the Asstt. Teachers during their first 5 (five) years of service within which they have to complete the B-Ed Course approved by NCTE. As during the period of Court Cases continued for the last 3 years, the incumbents concerned were unable to even get themselves admitted to the B-Ed Course in the colleges approved by NCTE, the Governor after careful examination of all the facts and circumstances of the cases has been please to allow the incumbents in drawing increments upto the year 2012 as usual and during that period they must have to complete such training approved by NCTE.

This is only one time relaxation which is being granted upto the year 2012 and will not be extended beyond that on any ground.

This order issues with the concurrence of the Finance Department vide U.O. No. 1368, Group-P (Pay) dated 07.07.2009.”

The petitioner further contends that this period was extended up to July 1, 2015 by the Memorandum No.118-SE/S/10M-29/16 dated February 6, 2018 which is quoted below:

“In terms of Memo No.759-SE(S)/2P-1/09 dated 30/07/2009 read with Memo No. 516-SE(S)/2P-1/09 dated 29/03/2010 the untrained Assistant Teachers who were unable to complete their B.Ed. training due to pending Court Cases were allowed a one time relaxation for the purpose of drawing their increments up to the year 2012.

Now, after thorough examination of the matter, it appears that the relaxation so accorded remains insufficient because all the incumbent teachers were not, under circumstances beyond their control, able to obtain admission to B. Ed. course and complete their training within 2012.

After careful consideration of the matter, the Governor is pleased to order that one time relaxation granted vide Memo No.759-SE(S)/2P-1/09 dated 30/07/2009 read with Memo No. 516-SE(S)/2P-1/09 dated 29/03/2010 may be extended in respect of increments for all untrained teachers appointed during the period from 2006 to 2009 upto 01/07/2015 and all such teachers will be allowed to draw annual increment upto 01/07/2015 as usual. It is

also made clear that no further relaxation will be allowed thereafter.

It is further clarified that the Governor is pleased to restore to the incumbent teachers any loss of the increments between the period from 01/01/2013 to 01/07/2015 suffered by such teachers. The District Inspector of Schools, (S.E.), shall allow the increments in such cases.

This order issues with the concurrence of the Finance Department vide their u.o. no. Group P2/2017-2018/0877 dated 26/12/2017.”

Admittedly, the petitioner did not complete the B.Ed. course within the cut off date as prescribed by the above two Memoranda. It is his own averment that he completed the B.Ed. course on July 30, 2017. The petitioner is aggrieved by the stoppage of the two increments by the authorities. However, the petitioner has failed to show any entitlement or right to be awarded those two increments. The petitioner is not entitled to the one time relaxation as provided for in the above two Memoranda.

Under such circumstances, the writ petition is dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties expeditiously subject to compliance of all usual formalities.

(Shampa Sarkar J.)