

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE
(Via Video Conference)

WPO No. 327 of 2020

MANJU KHANNA AND ORS.
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 24th November, 2020.

Appearance:
Mr. Anjan Bhattacharya, Adv.
Mr. Debangshu Ghatak, Adv.
Mr. Vikram Chaudhuri, Adv.
...for the petitioners

Mr. Saktipada Jana, Adv.
Mr. Tirthankar Das, Adv.
...for the respondents

The Court: The petitioners are approved teachers of Shree Maheshwari Vidyalaya. The salary of the petitioners had not been fixed according to ROPA 1999. Consequently, the petitioners challenged such inaction of the School Authorities which ultimately went up to the Apex Court. The Apex Court directed that the petitioners were entitled to salary in terms of ROPA 1999 and consequent revision under ROPA 2009. It is submitted that the arrear salaries were agreed to be disbursed in three equal monthly instalments. The terms of settlement is at page 20 and the relevant clauses are at page 21 of the writ petition which are quoted below:-

“(i) First instalment shall be paid on or before 31st August, 2015.

(i) *Second instalment shall be paid on or before 29th February, 2016.*

(ii) *Third instalment shall be paid on or before 30th June, 2016.”*

It is now submitted on behalf of the petitioners that the last and final installment had not yet been paid.

Mr. Jana, learned Advocate appearing on behalf of the School Authorities submits that the school is a private school. It only gets DA from the State Government. That the income of the school is solely from the fees collected from the students and in the pandemic situation, the School Authorities is not in a position to pay the third instalment in respect of the petition. He prays for some time to pay the final instalment.

This writ petition is disposed of with a direction upon the School Authorities to pay the third and final instalment in terms of the agreement/ terms of settlement annexed to the writ petition in two equal monthly instalments. The first of such instalments be paid within April 15, 2021. The second instalment be paid within August 15, 2021. The School Authorities shall be entitled to verify the records and calculate the amount due and payable in case of each of the petitioners.

The writ petition is disposed of on the above terms.

(SHAMPA SARKAR, J.)

