

W.P.A. 2065 OF 2021

(Through Video Conference)

Sri Dhananjoy Karmakar

Vs.

State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya

Mr. Ashim Kr. Halder.

.... For the Petitioner

Mr. Supriyo Chattopadhyay

Ms. Iti Dutta.

.... For the State.

Mr. Anirban Saha

.... For the Respondent

No. 6.

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated March 10, 2016 passed by the District Inspector of Schools (SE), North 24-Parganas (hereinafter referred to as the 'D.I.') allowing the appointment of the petitioner and giving service benefits to the petitioner from December 1, 2015.

2. The case of the petitioner is that the date from which the service benefits have been given to the petitioner is not correct and the same should be May 1, 1999 as per the order of the learned Single Judge of this High Court dated March 15, 2005.

3. The petitioner submits that the order of March 15, 2005 travelled all the way to the Supreme Court wherein by an order dated September 22, 2015, the Supreme

Court set aside the order of the Division Bench and upheld the order of the learned Single Judge.

4. In light of the same, Mr. Kamalesh Bhattacharya, learned counsel appearing on behalf of the petitioner submits that benefit of approval has to be from the date prescribed in the order of the learned Single Judge, i.e., May 1, 1999. It is further to be noted that a contempt petition bearing CPAN 146 of 2018, has been filed by Mr. Bhattacharya's client which is pending before this High Court.

5. I have heard counsel appearing on behalf of the parties and perused the materials on record. In my view, the order of the learned Single Judge is categorical on the point as to from when the petitioner is entitled to get the service benefits, i.e., May 1, 1999. As the Supreme Court has upheld this order, there is no reason for denying the petitioner the said benefit.

6. In light of the same, the order of March 10, 2016 stands quashed and set aside and direction is given upon the D.I. and the Commissioner of School Education to comply with the order of the learned Single Judge and give the service benefits to the petitioner starting from May 1, 1999.

7. The authorities are directed to make payment of the arrears within a period of six weeks from date of communication of this order. Any refixation that is

required to be done should also be carried out expeditiously.

8. I make it clear that the D.I. shall pass an order directing the approval of the petitioner from May 1, 1999 within a period of two weeks from date.

9. The Commissioner of School Education is also directed to act in terms of this order passed in Court today and ensure that there is no delay in passing of the order of the D.I.

10. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

11. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

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

(Shekhar B. Saraf, J.)