

05.08.2021
SL No. 54
Court No. 24
(P.M.)

WPA 1382 of 2020
With
IA No. CAN 1 of 2020
(Old No. CAN 4035 of 2020)
With
IA No. CAN 2 of 2020
(Old No. CAN 4036 of 2020)
Priyanka Karmokar
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Sakti Pada Jana,
Ms. Ujani Pal (Samanta)
... for the petitioner

Mr. Lalit Mohan Mahata,
Ms. Jhuma Chakraborty
... for the State

The petitioner prays for implementation of the order dated 9th August, 2018 passed by the Director of Public Instruction. By the said order the engagement of the petitioner in Jamini Mazumder Memorial College as part time teacher has been approved from the date of her initial engagement i.e. 30th August, 2010 in the light of G.O. No. 751-Edn(CS) dated 21st August, 2010. The concerned officers were requested to do the needful as regards the arrear remuneration if not already paid. It was specifically mentioned in the order that the case of the petitioner has been settled considering the peculiar circumstances of the case and in terms of the order of the Hon'ble Calcutta High Court.

The petitioner complains that even though the Director of Public Instruction approved the engagement of the petitioner from 30th August, 2010 the petitioner is yet to receive the remuneration in terms of the pay scale fixed by the Government.

The learned advocate representing the State respondents submits that by a subsequent communication dated 24th June, 2020 the Director of Public Instruction has intimated the College about the engagement of seven State aided college teachers and their services have been approved as per the memorandum No. 2081-Edn(CS)/10M-83/2019 dated 23rd December, 2019 of the Higher Education Department, Govt. of West Bengal. A list of seven teachers whose engagement has been approved as State aided college teachers was annexed with the said communication. The name of the petitioner appears at Serial No. 3 of the said list. The said list mentions that the petitioner was a Government approved part time teacher with effect from 30th August, 2010 (wrongly mentioned as 30th August, 2008). It has been submitted that the petitioner will be entitled to receive the government scale in accordance with the letter dated 20th June 2020.

The aforesaid communication dated 24th June, 2010 simply implies that part time teachers have been re-designated as State aided College teachers. The said letter clearly mentions that the service of the petitioner has been approved from 30th August, 2010.

The respondent authorities are bound to act in accordance with the order passed by the Director of Public Instruction on 9th August, 2018 and fix the salary of the petitioner in accordance with the Government pay scale with effect from 30th August, 2010.

In direct the concerned respondent to take necessary step in this regard at the earliest but positively within a period of twelve weeks from the date of communication of a copy of this order. Effective steps shall be taken to disburse arrear remuneration of the petitioner at the earliest but latest within a period of six months hereof.

None appears on behalf of the Jamini Mazumder Memorial College despite service.

WPA 1382 of 2020 along with connected applications CAN 1 of 2020 and CAN 2 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)