

29-09-2021
ct no. 05
Sl. 05
Sayandeep

WPA 5944 of 2021

Biswanath Bag
-Versus-

State of West Bengal & Ors.
(Via Video Conference)

Ms. Sabita Khutia (Bhunya)

..... for the petitioner

Mr. Malay Kr. Singh
Mr. Rakesh Singh

..... for the State

The writ petitioner retired from the post of assistant teacher in a Government aided high school and thereafter in terms of memo dated 30th May, 2008 issued by the concerned authority of the Education Department, he was appointed as a guest teacher in an upper primary school and he worked up to 28th November, 2013. The grievance of the writ petitioner is that during the tenure of the writ petitioner as guest teacher under two different upper primary schools, he was paid remuneration in terms of ROPA Rules of 1998 though it has been submitted that the writ petitioner is entitled to receive remuneration in terms of ROPA-2009 Rules. In this regard, the representation dated 24th July, 2019 has been made before the concerned authorities claiming benefits of ROPA 2009 Rules. The same remains pending.

Mr. Malay Kr. Singh, learned senior Government advocate appears on behalf of the State respondents assisted by Mr. Rakesh Singh, learned advocate, and submits that there is break in service of the writ petitioner as contractual guest teacher while discharging duty since he worked in two different schools. Mr. Malay Kr. Singh opposes the prayer of the writ petitioner for grant of benefit in terms of ROPA Rules of 2009.

Considering the rival submissions made on behalf of the respective parties, this Court directs the District Inspector of School(SE), Hooghly being respondent no. 3, to consider the representation of the writ petitioner dated 24th July, 2019 within a period of 12 weeks from the dated of communication of this order and pass a reasoned order and the same be communicated to the writ petitioner within a period of 2 weeks thereafter.

If the respondent No. 3 finds that the relevant papers are required to be forwarded by the authority of the school where the writ petitioner worked last as guest teacher in that event, the respondent No. 3 shall be at liberty to call for the necessary records relating to service of the writ petitioner as guest teacher for finalization of the claim of the writ petitioner under ROPA 2009 Rules.

With the above observations, the writ petition stands disposed of.

There shall be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

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

(Saugata Bhattacharyya, J.)