

Court No. 17

WPA 11546 of 2021

16.08.2021

(AD 54)

(S. Banerjee)

Ananda Kumar Giri

Vs.

State of West Bengal & Ors.

(Via Video Conference)

Mr. Soumen Dutta
Mr. Sabyasachi Bhattacharya
Mr. Subham Dutta
Mr. Subhadeep Chatterjee

... for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das

... for the State

The grievance of the petitioner is that after exoneration in a criminal case, as to his mark-sheet etc. obtained in different examinations, his full salary has not been paid from 20.08.2002 to 09.01.2020. Therefore, the petitioner prays for back wages though he did not work in the school due to his suspension for nearly 18 years. The petitioner further submits that his prayer is ultimately was sent to the Deputy Director of School Education who directed the Chairman/Chairperson, Purba Medinipur District Primary School Council and the Chairman/Chairperson, Paschim Medinipur District Primary School Council to enquire into the matter and to send a report. It is an admitted position that the petitioner did not work for the school for nearly 18 years. There is no pleading or any document showing that within this 18-year period he made any effort to join the school to work there. He only says in different annexures, and has drawn my attention, that he was not allowed to work in the said school.

In support of his claim the petitioner has relied upon a judgement reported in 2013 Lab IC 4249

(Supreme Court) (Deepali Gundu Surwase –Vs.- Kranti Junior Adhyapak & Ors). He has specially relied upon paragraphs 33 and 34. There the petitioner, Deepali Gundu Surwase, was dismissed illegally and that is why the Supreme Court ultimately held that as he was dismissed illegally, she has to be paid full arrear salary.

The present case is quite different from that. Here the petitioner was only suspended but there is no pleading in the writ application that he did not work in any other place for earning his livelihood and he was dismissed from the service and the dismissal was illegal. True the suspension has been withdrawn after the order passed by the concerned magistrate.

Now I direct the Deputy Director of School Education to take the help of Criminal Investigation Department of State to make an investigation whether for 18 years this petitioner was earning his livelihood by doing any other job or not. After receiving such report, the Deputy Director of School Education will proceed according to the report filed by the CID and the said District Inspectors of Schools.

With the above direction, the writ application is disposed of.

(Abhijit Gangopadhyay, J.)