

Item No.22

04.10.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 17299 of 2018

Barnali Barman

v.

The State of West Bengal & Ors.

Mr. Ranajit Chatterjee

Mr. Syed Mansur Ali

... for the petitioner.

Mr. Pulak Ranjan Mondal

Ms. Bandana Mandal

Mr. Subhrangsu Panda

Mr. Anindya Sundar Chatterjee

... for WBCSC.

Mr. Jahar Lal De

Ms. Smita Das De

... for the State.

Mr. Dipanjan Datta

Mr. S. Datta

... for the respondent nos. 6 & 7.

Mr. Biswaroop Bhattacharyya

Ms. Reshmi Ghosh

... for the Calcutta University.

A report has been filed in Court today by the Senior Law Officer, Higher Education Department dated September 2, 2021.

It appears from the report that the petitioner actually joined Ananda Mohan College on April 21, 2017 and rendered service in the said College till April 17, 2019. Thereafter, the petitioner had to be transferred

from Ananda Mohan College to Dinabandhu Andrews College, as at that point of time there was no vacant post in Ananda Mohan College to accommodate the petitioner. Direction was issued by the department for creation of supernumerary post in Ananda Mohan College so that the petitioner may be made available of the salaries and allowances for the said period.

Ananda Mohan College on January 15, 2020 issued a proposal for pay fixation of the petitioner. Pay fixation memo was issued by the Director of Public Instruction in favour of the petitioner and the same has been communicated to the Principal of Ananda Mohan College on September 2, 2021 via e-mail.

The College is presently required to submit a proper bill/claim of arrear salary of the petitioner for the period April 21, 2017 to April 17, 2019.

It has been mentioned that as soon as the claim is received by the office of the Director of Public Instruction from the Ananda Mohan College, the arrear salary of the petitioner for the aforesaid period will be released in due course.

The learned advocate representing Ananda Mohan College submits, upon instruction, that the bill/claim of arrear salary of the petitioner has already been submitted in the office of the Director of Public Instruction in the end of September 2021.

In view of the aforesaid submissions made on behalf of the parties the instant writ petition is disposed of by directing the Director of Public Instruction to take necessary steps upon receipt of the bill/claim of arrear salary of the petitioner from the Ananda Mohan College. In the event, the bill/claim of arrear salary of the petitioner has not been forwarded, then the same shall be forwarded by Ananda Mohan College to the Director of Public Instruction at the earliest.

The Director of Public Instruction shall take necessary steps to release the arrear claim of the petitioner in accordance with law, at the earliest, but positively within a period of eight weeks from the date of receipt of a copy of the bill.

The Director of Public Instruction shall take steps and also pass necessary consequential order for revision of pay of the petitioner presently serving in Dinabandu Andrews College upon taking into consideration the pay of the petitioner in Ananda Mohan College at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)