

7th December, 2021
(D/L No.44)
(SKB)

W.P.A. 19301 of 2021
(Via Video Conference)

Dipankar Ghosh and another
Versus
The State of West Bengal and others

Mr. Arunava Banerjee,
Ms. Simantika Dasgupta
... for the petitioners.

Mr. Naren Ghosh Dostider
... for the State.

The petitioners claim admissible arrear dues and allowances for the posts-in-question from 2010 to 2017. Both the writ petitioners are Lower Division Clerks working in the respondent no.2 which is the Director of Public Instructions, Government of West Bengal since 2004.

Learned counsel appearing for the petitioners places an order passed by a learned Single Judge dated 19th November, 2010 in W.P.24106(W) of 2009 which was filed by the writ petitioners before this court. By the said order, the Director of Public Instructions was directed to approve the appointment of the petitioners within a period of four weeks from the date of communication of the order and the court was further pleased to direct that the petitioners would be entitled to receive their salaries once the appointments were approved. Counsel places the impugned order of 2nd January, 2020 of the Joint

Secretary of the Education Directorate, Government of West Bengal, by which the petitioners were approved with effect from 22nd September, 2017. The Director of Public Instructions was requested to take necessary action in this regard.

The State is represented.

Upon hearing learned counsel, this court is of the view that there can be no conceivable reason for the Education Directorate to wait for seven years after a direction was given by the court to approve the appointment of the petitioners on 19th November, 2010. The reason of ten years delay in the order of approval and a seven years delay from the date of the order to the date when the approval would become effective; both delays are without any ground or reason. The petitioners naturally lose out their seniority as well as other financial benefits which cannot be permitted in the given set of facts.

In view of the above, W.P.A.19301 of 2021 is disposed of by directing the respondent no.2 being the Director of Public Instructions, Government of West Bengal, to refix the salaries and allowances of the petitioners from 19th November, 2010 along with all admissible arrear dues and allowances till 22nd September, 2017. The refixation and other allowances shall be given under relevant Government Rules and Notifications. The respondent no.2 is directed to take

necessary steps forthwith and complete the entire exercise preferably within 22nd January, 2022.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)