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21.01.2021
(Suvendu)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

WPA 113 of 2021

Ila Choudhury Saha
-versus-
The State of West Bengal & Ors.

Mr. Amritam Mandal
Mr. Debasis Mukhopadhyay
Mr. A. Banerjee
.....For the petitioner
Mr. Bikramaditya Ghosh
Mr. Momenur Rahman
....For the State

The petitioner, who retired as an Assistant Teacher from Sishu Niketan Primary School, Jalpaiguri on 30th September, 2016, is aggrieved by a Memo dated 24th November, 2017 issued by the Deputy Director of School Education to the Joint Director, DPPG, Uttar Kanya stating that the teaching and non-teaching staff of the school where the petitioner served till her superannuation are entitled to get pay fixation benefit with effect from 26th March, 1997. It is the contention of learned counsel appearing for the petitioner that the petitioner joined the school on 1st April, 1983. Counsel submits that the retirement benefits have been withheld by reason of the impugned Memo which has fixed an arbitrary date of 26th March, 1997 from which pay fixation benefit is to be determined. Counsel submits that

the impugned Memo dated 24th November, 2017 was the subject matter of a writ being WPA 342 of 2019 (Subhra Som vs.The State of West Bengal & Ors.) which was allowed by an order dated 29th August, 2019 by a coordinate Bench on the basis of certain findings which run contrary to the effect of the impugned Memo dated 24th November, 2017.

Learned counsel for the State respondents submits that it is correct that the order of the coordinate Bench disagreed with the effect of the impugned Memo and that the petitioner's case should be considered on those lines.

Having heard learned counsel, this Court is of the view that the impugned Memo covers the petitioner which would be evident from the name of the school mentioned in the said Memo and in which the petitioner served until her retirement. It is also correct that the order of the learned Single Judge dated 29th August, 2019 took into account the impugned Memo but allowed the writ petition in that case based on certain observations.

In view of the above, the respondent no.2 being the District Inspector of Schools (P.E.), Jalpaiguri will give a hearing to the petitioner taking into account the order passed by the learned Single Judge in WPA 342 of 2019. The respondent no.2 will pass a reasoned order upon hearing necessary parties within

a period of four weeks from today. A copy of the reasoned order will be communicated to the petitioner within a week from the date on which such reasoned is passed.

WPA 113 of 2021 is disposed of in terms of the above.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)