

Item No. 88

18.01.2022
Ct-24

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

WPA 172 of 2022
Md. Tamizuddin

v.

The State of West Bengal & Ors.

Md. Salahuddin
Md. Ashanuzzaman
Md. Raziuddin
... for the petitioner.

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
... for Madrasah Service Commission.

Affidavit-of-service filed in Court today is taken on record.

The petitioner was an Assistant Teacher of Sekhpura High Madrasah, District Malda and he retired from service on attaining the normal age of superannuation on July 31, 2018.

The grievance of the petitioner is that his salary for the period April 4, 2012 to April 28, 2012 and the Provident Fund dues amounting to Rs. 27,000/- approximately has not been released in his favour.

The petitioner made a representation before the Director of Madrasah Education, District Inspector of Schools (S.E.), Malda, the Secretary/Administrator of the Madrasah and the Headmaster/Teacher-in-Charge

of the Madrasah by a letter dated December 17, 2021 with request to release the arrear dues. The said representation was received by the aforesaid respondent on December 23/24, 2021. The petitioner has affirmed this writ petition on January 4, 2022 alleging that the aforesaid representation has not been considered by the respondent authorities.

It is quite surprising that though the petitioner retired from service in July 2018 he never raised any representation before the Madrasah authority or any other authority praying for disbursal of his dues during the period when he was in service. More than three years after retirement he filed representation for the first time in December 2021 alleging that salary for the period April 4, 2012 to April 28, 2012 and the Provident Fund Dues of Rs. 27,000/- approximately have not been paid to him. No reason whatsoever has been mentioned in the writ petition as to why he did not raise this issue while he was in service.

Be that as it may, as it appears that the representation of the petitioner is pending consideration at the end of the respondent authorities, accordingly, the instant writ petition is disposed of by directing the District Inspector of Schools (S.E.), Malda to cause an enquiry with regard to the allegations made by the petitioner. If it appears that any amount is legally due

and payable to the petitioner, then necessary steps shall be taken by the said authority to release the same in favour of the petitioner in accordance with law.

Necessary steps shall be taken by the District Inspector of Schools within a period of eight weeks from the date of communication of a copy of this order.

The District Inspector of Schools shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

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.)