

15.06.2022.
Court No.13
Item No. 23
ap

W.P.A. No. 1655 of 2019
Soma Basak
Versus
The State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. S.M. Ali.

...For the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal.

..For the State.

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

The petitioner worked as an Assistant Teacher in NTPC High School (H.S.), Post Office – Pubarun, District – Malda from 13th August, 2003. Subsequently on 12th December, 2013, she was appointed as an Assistant Teacher in Birnagar High School (H.S), Malda. Her appointment was approved by the Office of the District Inspector of Schools (SE), Malda on 6th January, 2014. Since after the petitioner qualified in 12th RLST, the petitioner is drawing her pay and allowance as a permanent Teacher in the said School from 12th December, 2013.

The writ petitioner claims that she is entitled to get atleast notionally the benefit of service from 2003 to 2013 while she was worked at NTPC High School (H.S), District – Malda.

Reliance is placed on a decision of this Court in the case of Dipesh Dhar – Vs. – The State of West Bengal & Ors. dated 7th July, 2014 being W.P. No. 5190 (W) of 2011 and the decision of a Division Bench of this Court in M.A.T. No. 4617 of 2005 being an appeal from the said order dated 7th July, 2014.

In that view of the matter, this Court is of the view that the District Inspector of Schools (SE), Malda should consider the petitioner's representation for notional consideration of her service of about ten years rendered at NTPC High School, for the purpose of computation of the petitioner's total length of service and for the purpose of pensionary benefits.

The petitioner shall furnish a copy of the writ petition and the copies of the order of the Single and Division Bench in the case of Dipesh Dhar mentioned hereinabove to the District Inspector of Schools (SE), Malda. Upon receipt of this order, the District Inspector of Schools (SE), Malda shall consider and dispose of the petitioner's representation and pass a reasoned order within a period of two months thereafter strictly in accordance with law.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)