

81 21.09.2022
rkd Ct.15

W.P.A. 1805 of 2013
(IA NO: CAN1/2013 (Old No: CAN 4480/2013))

Kashi Nath Adhikari & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Lutful Haque

....for the petitioners.

The matter is taken up for consideration in terms of the previous order dated 14th September, 2022 in presence of the learned advocate representing the petitioners. However, no one appears on behalf of the respondents today.

The issue involved in this writ petition relates to extending the benefits in terms of modified Government circulars dated 22nd May, 2012 and 16th October, 2012 qua Government order dated 30th May, 2008.

The issue relating to release of benefits based on aforesaid Government orders is no more *res integra* in view of the judgment dated 7th September, 2022 passed by a coordinate Bench on a batch of writ petitions, first one being WPA 532 of 2013 (Badal Chandra Bhunia –vs- The State of West Bengal & Ors.). Paragraph 39 of the said judgement runs infra:

“39. The petitioner has already been paid remuneration in terms of the modified

circular 22nd May, 2012 and 16th October, 2012. The question of any further claims towards engagement as guest teachers, therefore, does not and cannot arise. This Court therefore issues the following directions in respect of all guest teachers who have filed writ petitions.

- a) *The engagement of guest teachers or persons other than those getting pension in terms of ROPA 1998 upto 1st April, 2012, being contrary to memorandum dated 30th May, 2008, are not entitled to claim any other benefits than what has already been paid to them. No sums paid in excess, if any, shall however be recovered by the State from such persons.*
- b) *All those engaged as guest teachers prior to 1st April, 2012 under ROPA 1998 shall be entitled to get remuneration as stipulated under circular dated 22nd May, 2012 upto 1st April, 2012. They shall be entitled to lodge any formal claim towards any arrears payable to them as indicated hereinabove with the DI of Schools.*
- c) *All those guest teachers engaged after 1st April, 2012 shall be entitled to get remuneration as stipulated in the memorandum dated 16th October, 2012. The State shall not recover any sums of money from any*

person who may have received any excess of the above stipulation.”

In view of the observations and directions as contained in paragraph 39 of **Badal Chandra Bhunia** (supra) the present writ petition stands disposed of upon granting leave to the petitioners to approach the concerned respondent authorities for the benefits if the petitioners are entitled to in terms of the directions as contained in the aforesaid judgment dated 7th September, 2022.

Application, if any pending, also stands disposed of.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)