

Item No. 3

02.05.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 3003 of 2020
Pinaki Bhattacharya
v.
The State of West Bengal & Ors.

Mr. Sailendra Nath Chattopadhyay
Mr. Soumik Mukherjee
Mr. Priyam Misra
... for the petitioner.

Mr. Pinaki Dhole
Ms. Kakoli Samajpati
... for the State respondents.

The petitioner was appointed as Adhyapak of
Negun Gangadhar Chatuspathi in the year 2006.

The grievance of the petitioner is that he is not
paid his honorarium.

The Secretary, Vangiya Sanskrit Siksha Parishad
has forwarded written instruction to the learned
advocate appearing on behalf of the State respondents
that vide Memo No. 1362(18)-Sc/p dated August 19,
2002, the Director of School Education, West Bengal,
presently the Commissioner of School Education
authorized all the District Inspector of Schools (P.E.) to
Act as DDO of the Non-Government aided recognized
Sanskrit Tols.

The School Education Department has approved the appointment of 179 Adhyapaks of the Non-Government Sanskrit Tol for the districts of West Bengal including the petitioner of Negin Gangadhar Chatuspathi, Purba Bardhaman Vide Memo No. 106-SE(P&B)/10M-162/15 dated March 13, 2018. Funds for payment of Dearness Allowance of newly appointed Adhyapaks, including the petitioner, have already been allotted in favour of the District Inspector of Schools (P.E.), Purba Bardhaman.

It is the duty and responsibility of the District Inspector of Schools (P.E.) being the Drawing and Disbursing Officer to release payment in favour of the Adhyapaks, including the petitioner.

The instruction forwarded by the Secretary, Vangiya Sanskrit Siksha Parishad clearly mentions that there is no record regarding the service of Sri Gourishankar Bhattacharya at Negin Gangadhar Chatuspathi in the office of the Vangiya Sanskrit Siksha Parishad.

By the impugned order dated December 10, 2019 the District Inspector of Schools (P.E.), Purba Bardhaman has clearly recorded that the competent authority to approve the date of appointment of any staff of any Chatuspathi is the Vangiya Sanskrit Siksha Parishad.

As the service of the petitioner has already been approved by the Secretary of the Vangiya Sanskrit Siksha Parishad being the competent authority, accordingly, the District Inspector of Schools (P.E.), Purba Bardhaman is directed to immediately release the necessary payment in favour of the petitioner from the funds allotted by the department at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order.

The impugned order dated December 10, 2019 is accordingly set aside and quashed.

The writ petition stands disposed of.

The instruction forwarded by the Secretary, Vangiya Sanskrit Siksha Parishad dated April 27, 2022 to the learned advocate for the State be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)