

Court No. 24
12.04.2022
(Item No. 23)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 4594 of 2022

Ram Shankar Chakraborty
VS
The State of West Bengal & Ors.

Mr. Malay Bhattacharyya
Mr. Subhrajyoti Ghosh
..... for the petitioner
Ms. Chaitali Bhattacharyya
..... for the State
Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
..... for DPSC, Bankura

The petitioner is a teacher of a Primary School. He was convicted in a criminal case. Presently the order of conviction has been suspended by this Court. The petitioner prays for certain service benefits which accrued in his favour on completion of 20 years of service.

The Sub-Inspector of Schools, Indas Circle by a communication dated 11th February, 2021 requested the Secretary of the District Primary School Council, Bankura seeking permission for fixation of his scale of pay.

The allegation of the petitioner is that the Council has not taken any steps pursuant to the communication made by the Sub-Inspector of Schools on 11th February, 2021.

Learned advocate representing the Council submits that the period during which the petitioner

was in custody has not been regularized till date and accordingly, the fixation of pay of the petitioner cannot be made. It has further been submitted that till the petitioner is acquitted honourably, he will not be entitled to the benefits as claimed by him.

It appears from the documents annexed to the writ petition that the charges levelled against the petitioner did not have any nexus with his service.

Accordingly, the Council is directed to take necessary consequential steps pursuant to the communication made by the Sub-Inspector of Schools on 11th February, 2021. Positive steps shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order. The Council shall forward necessary documents and information to the office of the Sub-Inspector of Schools within the aforesaid time period with a copy to the petitioner.

The petitioner is directed to forward a copy of all documents in support of his claim to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)