

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present :-

Hon'ble Justice Partha Sarathi Sen

W.P. No. 5519(W) of 2018

Tandra Maity(Das).

-Versus-

State Of West Bengal & Ors.

For the Petitioner : Mr. Sabyasachi Mondal, Adv.

**For the State : Ms. Chaitali Bhattacharya, Adv.
: Mr. Kartick Chandra Kapas, Adv.**

Heard on: : 10.11.2022

Judgment on. : 11.11.2022

PARTHA SARATHI SEN, J. : -

1. By filing the instant writ petition the writ petitioner has prayed for an appropriate order directing the respondents to disburse a sum of Rs.37,035/- for the period 1st July 2012 to 31st March, 2014 and another sum of Rs. 4,80,356/- towards her arrear claim as accrued on and from 01.08.1989 to 31.12.2013.

2. It has been contended by the writ petitioner that after being appointed as an assistant teacher the respondents/State Authorities had sanctioned her higher scale of pay as well as post graduate scale. It is the further case of the petitioner that all of a sudden on 01.11.,2013, respondents/State Authorities

intimated the writ petitioner that the higher scale of pay of the writ petitioner as has been fixed was not in order and accordingly the writ petitioner finding no other alternative refunded a sum of Rs.4,80,356/- to the respondent authorities. It is the further case of the petitioner that subsequently on 19.03.2014, the respondents authorities refixed her pay with effect from 12.07.2012 at Rs.29,090/- with effect from 01.07.2012, and in accordance with such fixation the school authority, where the writ petitioner was employed, submitted arrear claim of the writ petitioner to the tune of Rs.37,035/- and Rs.4,80,356/- as has been refunded by the writ petitioner for the periods mentioned hereinabove. It is the further case of the writ petitioner that under cover of letter dated 11.05.2015, the respondents/State Authority intimated the school authority, where the writ petitioner was employed, that the petitioner's claim to the tune of Rs.4,80,356/- is admissible. It is contended that in spite of issuance of such letter the above mentioned arrear claims were never disbursed in favour of the present writ petitioner and thus finding no other alternative the petitioner has approached this Court for the reliefs as mentioned above and as specifically mentioned in the prayer portion of the writ petition.

3. On perusal of the entire materials and after hearing the learned advocates of both sides this Court found no cogent reason on the part of the respondents State Authorities to withhold the claim of the writ petitioner.

4. In view of the circumstances as stated hereinabove the District Inspector of Schools (SE), Purba Medinipur is hereby directed to release a sum of Rs.37,035/- in favour of the present writ petitioner together with interest at

the rate of 5 % with effect from 01.07.2012 till actual payment. The respondent no.3 District Inspector of Schools, Purba Medinipur is further directed to release a sum of Rs.4,80,356/- in favour of the writ petitioner together with interest at the rate of 6 % per annum with effect from 27.12.2013. It is further ordered that respondent no.3 i.e the District Inspector of Schools (SE) Purba Medinipur and respondent no.4 i.e Treasury Officer, Tamluk, District Purba Medinipur are to take immediate steps so that the necessary disbursement can be made within four weeks from the date of communication of this order. With the aforementioned observation the W.P No. 5519 Of 2018 is disposed of.

5. Department is directed to send a copy of this judgement to the Principal Secretary, School Education Department, Government of West Bengal, Bikash Bhavan, Kolkata 700091 forthwith.

6. Principal Secretary, School Education Department, Government of West Bengal, Bikash Bhavan, Kolkata 700091 is hereby requested to ensure that the order as passed by this Court is duly complied with by the District Inspector of Schools, School Education, Purba Medinipur as well as Treasury Officer, District Purba Medinipur within the time framed.

7. Let a copy of this judgement along with LCR be sent down at once.

8. Urgent Photostat certified copy of this judgement, if applied for, be given to the parties on completion of usual formalities.

(Partha Sarathi Sen, J.)