

17.06.2022.
Court No.13
Item No. 44
pk

W.P.A. No. 7908 of 2019

**Nayan Chandra Mandal
Versus
State of West Bengal and others**

Ms. Indrani Pal

...For the petitioner.

Affidavit of service and a notice filed in Court are taken on record.

The petitioner has two fold prayer. Firstly, annual increments for the period 2013-2014 have not been given since according to the respondents he did not have B. Ed. degree.

Learned counsel for the petitioner places reliance upon two circulars. First of which is dated 30th July, 2009 and the second is dated 06.02.2018 issued by the School Education Department. By the 2009 Circular, the State had allowed annual increments to teachers, who could not procure the B.Ed degree after recruitment for pendency of various court cases. One time relaxation was given up to the year 2012. In view of continuing pendency of court cases, a lot of other teachers like the petitioner also could not procure B.Ed degree until 2015.

The Governor of the State had issued the order procuring annual increments to such teachers like the petitioner up to July, 2015.

The writ petitioner was able to procure B. Ed degree in the year 2015. By reason of the said circular dated 6.2.2018 the petitioner itself become entitled two increments for the year 2013-2014 and 2014-2015.

In that view of the matter, this Court directs the D. I. of Schools to consider and release two increments to the writ petitioner for the years mentioned herein above. Before releasing such increments and all other requirements of the petitioner's case shall be scrutinised by the D. I. of Schools.

Counsel for the petitioner submits that her client has not been given arrear salaries.

The petitioner shall be entitled to apply formally before the head of the Institution of Gopalpur High School.

Upon receipt of such representation, the head of the Institution shall scrutinize the records and release any entitlement towards any arrear unpaid salary of the petitioner within two months from the date of communication of a copy of this order. When two increments, as directed herein above, are released to the petitioner, pay and allowances of salary of the petitioner shall stand consequently revised. All arrears payable to the petitioner shall also be released within two months from the date of communication of a copy of this order.

The writ petition is disposed of.

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.)