

07.06.2022
Court No.13
Item No.52
AP

WPA 11560 of 2019

**Manojit Biswas
Vs.
The State of West Bengal and Ors.**

Mr. Siddhartha Sankar Mandal
Ms. Arunima Das Sharma

... For the petitioner.

Mr. Pinaki Dhole
Ms. Ananya Neogi

... For the State.

The petitioner is aggrieved by denial of an increment for the period between 07.09.2007 to 05.09.2008. The petitioner was an Assistant Teacher in Bagula High School and was on lien to another school for a period of one year. After coming back to the parent institution, the petitioner on scrutiny of his service book found that he was not granted an increment that he was entitled to during the said period of one year. The petitioner has represented to the District Inspector of Schools (S.E.), Nadia, on 8th March, 2019, which remains pending.

Counsel for the State relies upon a notification of the Government of West Bengal, School Education Department, dated 8th December 1997, which has stipulated that an Assistant Teacher is entitled to an increment even during the period of lien, if the lien is sanctioned and he returns to the original post without a break at either end, he shall be entitled to the increment even during the lien period. It is submitted

that there is doubt as to whether the petitioner's service during the lien was without a break or not.

Counsel for the petitioner vehemently opposes the submissions of the counsel for the State, and submits that there is no break of service.

In that view of the matter, this Court directs the District Inspector of Schools (S.E.), Nadia, to consider the representation of the petitioner dated 8th March, 2019 after verifying the service records of the petitioner with the school, as well as with his office and in terms of the notification of the Government of West Bengal, School Education Department dated 8th December, 1997, and to allow increment to the petitioner if he is otherwise entitled.

Let the decision be taken by the District Inspector of Schools (S.E.), Nadia, within a period of 45 days from the date of communication of a copy of this order. In the event if the petitioner is otherwise entitled to lien, all areas shall be paid to the petitioner within a month thereafter. The salary payable to the petitioner shall also accordingly be revised.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)