

22-06-2022
ct no. 13
Sl. 57
sp

WPA 15156 of 2021
Ananda Kumar Khan
-Versus-

The State of West Bengal & Ors.

Mr. Ananda Kumar Khan
..... Petitioner-in-person

Mr. Supriyo Chattopadhyay,
Mr. Aswini Kr. Bera
....for the State

The petitioner represented before the D.I. of Schools (SE), Howrah, on 09.09.2019 and 17.09.2019, through his Advocate, for incremental benefit after completing 18 and 20 years of service. The school has recommended the same and has forwarded to the D.I. of Schools with the note that there is litigation instituted by the petitioner. The said litigation being WP No. 20618 (W) of 2012, highlights acts and omissions of the headmaster of the school and other personnel, in harassing and misbehaving with teachers and failure to conduct audit of accounts in time.

The D.I. of Schools (SE), Howrah, in terms of the relevant Rules, has not processed the petitioner's application for the pendency of WP No. 20618 (W) of 2012.

This Court is of the view that the petitioner has fundamental right to move the High Court under Article 226 of the Constitution of India to seek lawful judicial remedies. This therefore cannot be a ground to deprive him of any lawful service benefits.

The said writ petition shall be dealt with in terms of its own merits, as and when it is taken up.

In that view of the matter, the D.I. of Schools(SE), Howrah, shall, within a period of two months, release the said automatic incremental benefits to the petitioner on having completed the 18th and 20th year of service in accordance with law.

All arrears that accrue to the petitioner, shall also be paid to him, within the period stipulated hereinabove.

The D.I. of Schools(SE), Howrah, shall act with urgency and expedition in the matter.

Consequent upon the increments to the petitioner, all pay fixation starting from 2019, shall be reworked and refixed and any amounts accruing to the petitioner thereupon, shall also be released to the petitioner, within time stipulated thereunder.

It is submitted by the learned counsel for the State that the calculation of 20 years incremental benefit to the petitioner is required to be made by the school.

The headmaster of the concerned school is directed to calculate the aforesaid interest taking into consideration the 18 years incremental benefit already calculated by the school, and forward the recommendation to that effect to the D.I. of Schools, immediately.

The D.I. of Schools, shall also take up the matter in terms of the order and within the time stipulated hereinabove.

It is expected that the petitioner shall furnish all necessary details as may be asked for by the school and/or D.I. of Schools.

The D.I. of Schools shall make all efforts to afford the aforesaid benefit to the petitioner expeditiously and not latter than the time specified hereinabove.

With the aforesaid observations, the writ petition shall stand 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.)