

W.P.A. 13436 of 2013

Amulya Kumar Tarafder

Vs.

The State of West Bengal & Ors.

Mr. Ashok Kumar Jha

Ms. Moumita Mondal

...for the petitioner

The writ petition is taken up for consideration in presence of the learned advocate representing the petitioner. Matter relates to payment of benefits to the petitioner being guest teacher in terms of Government memorandum dated 30th May, 2008 and not in accordance with the Government memorandum dated 16th October, 2012 and in the writ petition the said Government memorandum dated 16th October, 2012 has been questioned.

The issue relating to release of benefits to guest teachers is no more *res integra* in view of the judgment of a coordinate Bench dated 7th September, 2022. In paragraph 39 (a) of the judgment of the coordinate Bench dated 7th September, 2022 passed on a batch of writ petitions and first one is WPA 532 of 2013 (Badal Chandra Bhunia Vs. The State of West Bengal & Ors.) it has been held that engagement of guest teachers or persons other than those getting pension in terms of ROPA 1998 upto 1st April, 2012, being contrary to memorandum dated 30th May, 2008, are not entitled to claim any other benefits than what has already been paid

to them. However, it has been directed by the coordinate Bench that the sums paid in excess, if any, shall not be recovered by the respondents from the guest teachers.

Here in the present case it has been submitted on behalf of the petitioner that he is drawing pension not in terms of ROPA 1998 therefore the observations and directions contained in paragraph 39 (a) of Badal Chandra Bhunia (supra) shall apply while deciding the claim of the petitioner being guest teacher.

In view of aforesaid position as well as in consideration of the judgment delivered in Badal Chandra Bhunia (supra) the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)