

55 26.09.2022
rkd Ct.15

W.P.A. 13943 of 2013

Pankaj Kumar Pradhan

-vs-

State of West Bengal & Ors.

Mr. S. P. Lahiri,
Mr. Arijit Pradhan

....for the petitioner.

Affidavit-in-reply filed by the petitioner is taken on record.

The writ petition is taken up for consideration in presence of the learned advocate representing the petitioner. Matter relates to grant 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.

In view of the judgment delivered by the coordinate Bench as aforesaid the present writ petition is disposed of upon granting leave to the petitioner to approach the concerned authority for sanction of benefit by treating the petitioner as guest teacher if petitioner is entitled to such benefits in view of observations and directions as contained in the said judgement date 7th September, 2022.

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.)