

Court No. 24

WPA 17079 of 2021

08.09.2022

(AD 151)

(S. Banerjee)

Md. Shamsul Haque

Vs.

State of West Bengal & Ors.

with

CAN 1 of 2022

Mr. K. M. Hossain

Ms. Keya Sutradhar

... for the petitioner

Mr. Supriyo Chattopadhyay

Ms. Iti Dutta

... for the State

Re: CAN 1 of 2022

The petitioner has filed an application praying for modification of the order dated 13th January, 2022.

Learned advocate for the petitioner submits that proper instructions were not given by the petitioner and, accordingly, proper facts could not be placed before this Court on the date the matter was considered and disposed of.

It has been submitted that the amount that is due and payable to the petitioner is Rs. 85,812/- only. The request for paying the aforesaid amount was made by the Secretary of the Madrasah to the District Inspector of Schools (Secondary Education), South 24

Parganas by a communication dated 30th May, 2005. The said amount is pending payment till date.

In view of the aforesaid submission, the order dated 13th January, 2022 is required to be modified.

The said order is modified as hereunder:

The amount that is due in favour of the petitioner is Rs. 85,812/- only. The bill was raised by the Rajarhat High Madrasah to the District Inspector of Schools (SE), South 24 Parganas for the 50% of the arrear salary of the petitioner for the period 13th April, 1988 to 1st April, 1993 in terms of the order passed by this Court on 20th September, 1994 in CO No. 10963(W) of 1994.

The District Inspector of Schools (SE), South 24 Parganas is directed to re-send the aforesaid memo along with all supporting documents to the Director of Madrasah Education for allotment of funds within a period of seven weeks and the Director of Madrasah Education shall take steps for allotment of fund within a period of ninety days thereafter.

The Director of Madrasah Education shall ensure that the payment of the aforesaid amount is disbursed in favour of the petitioner positively within a period of six months from the date of receipt of all documents from the District Inspector of Schools (SE), South 24 Parganas.

The petitioner is directed to forward a copy of the communicating letter dated 30th May, 2005 along with a copy of the order passed by the Court on 20th September, 1994 in CO no. 10963 (W) of 1994 and the copy of the order passed by this Court on 28th March, 2005 in WP No. 14192(W) of 2003 to the District Inspector of Schools (SE), South 24 Parganas at the time of communicating the order of the Court.

In the event the respondent authorities require the assistance or cooperation of the petitioner, necessary notice shall be given to the petitioner so that he can place all relevant documents in support of his claim.

The application for modification is thus disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Amrita Sinha, J.)