

Item No.94

08.02.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 20556 of 2021
Mohammed Ismail
v.
The State of West Bengal & Ors.

Mr. Barun Kumar Samanta
... for the petitioner.

None appears on behalf of the State respondents despite service. Affidavit-of-service filed in Court today is taken on record.

The petitioner prays for implementation of the request made by the District Inspector of Schools (S.E.), Malda by Memo No. 3086/1(2)/SD dated December 14, 2018 to the Director of Madrasah Education.

By the said communication the District Inspector of Schools (S.E.), Malda requested the Director of Madrasah Education to allot a sum of Rs. 3,88,608/- in favour of the petitioner being an ex assistant teacher of a Madrasah on account of the incremental benefit for non-trained teachers in senior Madrasah vide G.O. No.1263-Edn-(M).

The aforesaid amount is yet to be released in favour of the petitioner.

The petitioner made representation before the Director of Madrasah Education on September 14, 2021 followed by a notice demanding justice through his learned advocate by letter dated November 8, 2021 and alleges that the said representations have not been considered by the Director of Madrasah Education till date.

As it appears that the petitioner is a retired teacher and the District Inspector of Schools has verified and checked all records of the petitioner and has raised and submitted a claim for the entitlement of Rs. 3,88,608/- on account of incremental benefit in respect of non-trained teachers in senior Madrasah and the request has been forwarded by the District Inspector of Schools to the Director of Madrasah Education way back in December 2018, accordingly, the writ is disposed of by directing the respondent nos. 2 and 3 being the Principal Secretary, Finance Department and the Director of Madrasah Education respectively to take immediate steps for releasing the aforesaid amount in favour of the petitioner.

The aforesaid amount shall positively be released within a period of eight weeks from the date of communication of a copy of this order.

The petitioner is directed to forward a copy of the aforesaid memo dated December 14, 2018 and a copy of

the representations dated September 14, 2021 and November 8, 2021 to the aforesaid respondents at the time of communicating the order of the Court.

As the petitioner was entitled to receive the payment long back while he was in service and the same has not been released till date accordingly, the petitioner will also be entitled to receive interest on account of the delayed payment of his incremental benefit @ 7% per annum to be calculated on and from the date it fell due till the date of actual payment.

It is made clear that if the amount is not disbursed in favour of the petitioner within the aforesaid time limit, the petitioner will be entitled to receive additional interest @ 2% over and above the aforesaid interest of 7% i.e. $7+2=9\%$ on account of such delay in making the payment.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)