

34. 12.12.2022
bd. Ct.15

W.P.A. 20287 of 2019

Dr. Swarnendu Kumar Mandal

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Kanti Jana

... for the petitioner

Mr. Susanta Pal

Ms. Ananya Neogi

....for the State.

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and the State respondents. However, in spite of serving notice upon the Administrator of Goabaria High School, District- Howrah, being the additional respondent pursuant to the order passed by this Court on 26th September, 2022 the said additional respondent is not represented today before this Court.

The learned advocate representing the petitioner has undertaken before this Court to file affidavit of service in course of this day.

The petitioner is Headmaster of the aforesaid school who was placed under suspension vide order dated 10th May, 2013 with immediate effect issued by the then Secretary of the said school. Though the said order of suspension was approved by the concerned authority of the West Bengal Board of Secondary Education vide memo dated 5th August, 2013 but the order of suspension was assailed before the Appeal Committee of the Board by the petitioner. The appeal was finally decided by the

Appeal Committee vide order dated 9th July, 2015 whereby the order of suspension stood set aside and the said school authority was directed to permit the petitioner to resume his duty immediately with all arrear benefits.

There is nothing on record which goes to show that the order of the Appeal Committee dated 9th July, 2015 is questioned by the said school authority before this Court by initiating legal proceedings.

Mr. Pal, learned advocate, representing the State respondents has submitted that the concerned District Inspector of Schools (SE), Howrah, has taken initiative to process the claim for releasing arrear dues in favour of the petitioner but due to want of certain documents the same could not be finalised. However, Mr. Pal candidly submitted on behalf of the State respondents that on 29th November, 2022 the petitioner being the Headmaster of the said school has submitted necessary documents in support of his claim for arrear dues.

In view of aforesaid scenario as well as in consideration of the submissions made by the learned advocate representing the petitioner and the State respondents this Court finds there is no impediment in giving direction upon the respondents to release arrear dues of the petitioner which accrued during his period of suspension on adjusting subsistence allowance which was paid to the petitioner.

Accordingly, the State respondents including the School Authority of Goabaria High School, District- Howrah, are directed to release the arrear dues of the petitioner during the period of his suspension from 10th May, 2013 to 20th July, 2015 adjusting subsistence allowance which was paid to the petitioner, within eight weeks from the date of communication of this order.

However, the prayer for payment of interest on such arrear dues is not allowed since documents were submitted by the petitioner in the office of the concerned District Inspector of Schools on 29th November, 2022.

Accordingly, the writ petition stands allowed. 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.)