

14. 21.11.2022
BD Ct.15

W.P.A. 11893 of 2020

Anil Kumar Jana & Anr.

-vs-

The State of West Bengal & Ors.

Mrs. Sabita Khutia
... for the petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee
... for the State

Both the petitioners are guest teachers who were appointed on 12th April, 2010 and 15th February, 2011 respectively after their superannuation as approved teaching staff of Government aided recognised secondary schools. By presenting this writ petition both the petitioners are seeking revision of their arrear salaries which was paid to them for discharging their duties as guest teachers in terms of ROPA 2009.

The State respondents are represented by Mr. Vaisya, learned Additional Government Pleader who submits that a coordinate Bench has delivered a judgment on the batch of writ petitions first one being WPA 532 of 2013 (Badal Chandra Bhuniya – vs- State of West Bengal & Ors.) on 7th September, 2022, therefore it has been contended on behalf of the State respondents that the relief as prayed for by the petitioners can be extended to them provided the same is permissible under the said judgment delivered on 7th September, 2022.

This Court has heard the learned advocates representing the parties and perused the relevant materials available on record as well as judgment of the coordinate Bench dated 7th September, 2022.

In view of the contentions made on behalf of the respective parties this Court grants leave to the petitioners to make separate representations to the Commissioner of School Education, West Bengal, being respondent no. 2 within fortnight from this day explaining the relief they are praying for. On receipt of such representation, if made, the respondent no. 2 shall take a decision in accordance with law and pass a reasoned order within a period of 12 weeks thereafter after granting opportunity of hearing to the petitioners or the representatives of the petitioners. The School authority being the respondent no. 5 is also directed to forward necessary papers relating to the service of the petitioners to the respondent no. 2 for taking decision as directed above and if necessary said school authority will be heard by the respondent no. 2 at the time of taking such decision.

However, it is made clear, if the respondent no. 2 finds that the relief as sought for by the petitioners which can be extended to them, same shall be granted if that will not be contrary to the decision taken by the coordinate Bench as contained in the judgment dated 7th September, 2022 as alluded above.

With the aforesaid direction 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.)