

14.09.2023
SL No.4
Court No.8
(gc)

**MAT 60 of 2023
CAN 1 of 2023**

**Uttaran Biswas
Vs.
State of West Bengal & Ors.**

Mr. Apurba Kr. Ghosh,
Mr. Rudranil Ghosh,
Mr. Avinav Mukherjee,
...for the Appellant.

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal,
...for the State Respondents.

Mrs. Koyeli Bhattacharyya,
...for the W.B.B.S.E.

1. The learned Counsel appearing on behalf of D.I. has placed the instruction received from the District Inspector of Schools (S.E.), North 24 Parganas that in compliance of our order dated 24th August, 2023 a sum of Rs.5,24,380/- has been sanctioned as due arrear salary in favour of the appellant and an amount of Rs.4,34,030/- has been paid to the appellant as net amount of arrear salary after deducting P.Tax, G.P.F. and Income Tax. Although, the period has not been stated in the said letter of instruction. However, the learned Counsel for the D.I.

has submitted that this is for the period from 26th July, 2022 till July, 2023.

2. There is a break in service of almost three years. We feel that the said issue is required to be revisited. The said issue may be considered as an extraordinary leave without pay.
3. However, we direct the West Bengal Board of Secondary Education to consider the prayer for extraordinary leave without pay upon hearing all the parties and disposed of the matter within 8 weeks from the date of communication of this order by either of the parties by a reasoned order.
4. The appeal succeeds to the aforesaid extent.
5. The appeal and the application, accordingly, stand disposed of.
6. However, there shall be no order as to costs.
7. In view of the aforesaid, the disciplinary proceeding shall not proceed any further.
8. The personal appearance of the Headmaster is dispensed with.
9. The report filed by the D.I. is taken on record.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Partha Sarathi Sen, J.)

(Soumen Sen, J.)