

Court No. 22

27.6.2023

(Item No. 8)

(AB)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 1222 of 2019

+

C.A.N. 1 of 2020 (not in file)

Swapan Kumar Sau

VS

The State of West Bengal & Ors.

Mr. Diptendu Mandal

... for the petitioner

Affidavit of service filed in Court today, is kept on record.

The petitioner claimed to be an **Assistant Teacher** still working at one **Debhog Shyamacharan Milan Vidyapith, District – Purba Midinipur**. He claimed that, his salary was deducted during the period **May 2004 to April 2005**. He claimed his unpaid salary. Referring to **Annexure P-8** at **page 46** to the writ petition Mr. Diptendu Mandal, learned advocate submitted that, the Managing Committee of the relevant school had already decided way back on **July 14, 2010** to release and refund the unpaid salary to the petitioner. A reminder representation was made dated **February 16, 2018** before the appropriate authority of the Managing Committee of the School by the petitioner **Annexure P-12** at **page 60** to the writ petition. No heed was paid.

None appeared for the respondents.

Considering the issue involved in this writ petition and the suffering of the petitioner since 2010 despite the decision having been taken by the Managing Committee of the relevant school to pay the unpaid amount and/or refund the money to the petitioner, the petitioner was not paid, to sub-serve justice the respondent No. 3 is directed to take note of the fact in the light of the case made out in the writ petition and to issue necessary direction upon the respondent No. 4 and/or the present Managing Committee of the school to release the unpaid money to the petitioner forthwith.

The respondent No. 3 to his wisdom, if thinks fit, may call upon the respondent No. 4 and/or the appropriate authority of the present Managing Committee before him to resolve the issue and then to issue immediate direction upon it in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 within five weeks from the date of communication of this order.

It is needless to mention that, while making payment to the petitioner the school authority has to pay interest @ 8% per annum on the sum to be calculated payable to the petitioner in accordance with law since July 15, 2010 till the actual payment.

The petitioner shall immediately furnish his bank details and particulars to the respondent No. 3 and also the respondent No. 4 and/or the present Managing Committee of the relevant school which shall be credited with the relevant sum. The respondent No. 4 and/or the appropriate authority and the Managing Committee of the relevant school shall positively carry out the direction of the D.I. within a period of two weeks from the date of receiving the instruction from the D.I.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

Though today the writ petition had appeared under the heading “For Dismissal” but considering the submissions made by the learned counsel appearing for the petitioner and considering the materials on record, this Court is of the view that, any further pendency of the writ petition shall only prejudice the interest and valuable right of the petitioner and hence the same is taken up for consideration and disposal.

On the above terms and with the above observations this writ petition being **WPA 1222 of 2019** along with all connected applications, if any, stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)