

W.P.A. 2224 of 2019

**Sk. Abdul Hai
Vs.
The State of West Bengal & Ors.**

Mr. N.G. Mukherjee
Ms. Kaushiki Chakraborty
....for the petitioner

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

Petitioner has claimed certain benefits in view of functioning as guest teacher for certain period of time. The issue relating to extending benefits to guest teacher has already been considered by the coordinate Bench on a batch of writ petitions, first one being WPA 532 of 2013, Badal Chandra Bhunia Vs. The State of West Bengal & Ors. The coordinate Bench by delivering judgment dated 7th September, 2022 has decided the issue, paragraph 39 of the said judgment is quoted below:

“39. The petitioner has already been paid remuneration in terms of the modified circular 22nd May, 2012 and 16th October, 2012. The question of any further claims towards engagement as guest teachers, therefore, does not and cannot arise. This Court therefore issues the following directions in respect of all guest teachers who have filed writ petitions.

a) The engagement of guest teachers or persons other than those getting pension in terms of ROPA 1998 upto 1st April, 2012, being contrary to memorandum dated 30th May, 2008, are not entitled to claim any other benefits than what has already been paid to them. No sums paid in excess, if any, shall

however be recovered by the State from such persons.

- b) All those engaged as guest teachers prior to 1st April, 2012 under ROPA 1998 shall be entitled to get remuneration as stipulated under circular dated 22nd May, 2012 upto 1st April, 2012. They shall be entitled to lodge any formal claim towards any arrears payable to them as indicated hereinabove with the DI of Schools.*
- c) All those guest teachers engaged after 1st April, 2012 shall be entitled to get remuneration as stipulated in the memorandum dated 16th October, 2012. The State shall not recover any sums of money from any person who may have received any excess of the above stipulation.”*

It is not discernable from the writ petition whether the petitioner at the time of engagement as guest teacher was getting pension in terms of ROPA 1998 or not. In view of such position the ratio decided in Badal Chandra Bhunia (supra) whether is applicable in case of petitioner or not in order to extend the relief as claimed cannot be decided on this writ petition.

However, if it is found that in view of the judgment dated 7th September, 2022 passed by the coordinate Bench the petitioner is entitled to derive certain benefits in connection with the petitioner's service as guest teacher it will be open to make representation to the concerned District Inspector of Schools. If such representation is made, it will also be open to the District Inspector of Schools to decide the issue in accordance with law taking into consideration the judgment of the coordinate Bench dated 7th September, 2022.

With the aforesaid observations, 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.)