

Court No.  
**26.7.2023**

(Item No. 28)

(AB)

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

**W.P.A. 4441 of 2023**  
**(Assigned)**

Mukhleswar Hossain

VS

The State of West Bengal & Ors.

Mr. Apurba Krishna Das

... for the petitioner

Mr. Suman Dey

... For the State

Mr. Ranjan Saha

.... For respondent Nos. 4 & 5

The previous order speaks for itself.

Today the writ petition appeared under the heading "For Dismissal".

Mr. Suman Dey, learned State counsel appeared for respondent Nos. 1 to 3 and 6.

Mr. Ranjan Saha, learned advocate appeared for respondent Nos. 4 and 5.

Since the relevant parties were present and they agreed for disposal of the writ petition on merit, the writ petition was taken up for consideration.

Two affidavits of service filed in Court today, are taken on record.

The petitioner claimed to be the **Head Teacher** at one **Shovanipur Primary School, District – Paschim Medinipur** his employment was approved on **January 27, 2008**.

Mr. Apurba Krishna Das, learned advocate appearing for the petitioner submitted that, prior to the approval of the service the petitioner was

promoted to the post of Head Teacher and as a result the State authority found that, slightly more than a sum of Rs.3000/- was overdrawn by the petitioner. On the ground of such alleged overdrawn by the petitioner the pay fixation of the petitioner was not done and the service book of the petitioner was not accordingly prepared. Drawing attention to a document at **page 22** to the writ petition dated **April 21, 2022** the petitioner contended that, the overdrawn amount was duly paid back by the petitioner to the State employer. Referring **Annexure P-8 at page 28** to the writ petition the petitioner contended that, the jurisdictional Sub-Inspector of Schools had also confirmed that the information was also received by his office as also the office of the respondent No. 4.

He submitted that, despite such communication dated **January 3, 2023 at page 28** to the writ petition the necessary pay fixation has not been done and the service book of the petitioner was not accordingly prepared.

After considering the submissions of the parties and upon perusal of the materials on record the respondent No. 4 is directed to take appropriate steps in accordance with law for preparation of service book either himself or through an appropriate authority as the case may be and then to cause the necessary pay fixation of the petitioner positively

within a period of **six weeks** from the date of communication of this order.

In the event, if the respondent No. 4 finds that, any arrear is due and payable to the petitioner he shall also decide and quantify the same and take necessary steps either by himself or through a proper authority as the case may be to pay the said arrear payable to the petitioner in accordance with law within a further period of **two weeks** after pay fixation to be made by him.

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

On the above terms, this writ petition being **W.P.A. 4441 of 2023** stands disposed of, without any 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.)**