

05.07.2023
(D/L-25)
Ct.-18
(Susanta)

W.P.A. 5385 of 2022

Debabrata Chanda
-Vs-
The State of West Bengal & Ors.

Mr. Bibekananda Tripathy,
.... For the Petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee,
.... For the State.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey,
.... For the S.S.C.

Ms. Koyeli Bhattacharyya,
.... For the W.B.B.S.E.

The petitioner while was working as an Assistant Teacher of Gadmathura Haripriya High School, South 24-Prganas, participated in the 7th State Level Selection Test for recruitment of Headmaster/Headmistress and was found eligible consequently he was recommended for appointment in the post of Headmaster of Uttar Kashiabad Sri Krishna Chaitanya Madhyamik Vidyalaya after being released on lien from the post of Assistant Teacher.

The petitioner praying release of his arrear salary as Headmaster, moved a writ application being W.P.A 6745 of 2021. The Co-ordinate Bench by the order dated April 09, 2021 disposed of the said writ petition by directing the District Inspector of School (S.E.) District. 24-Parganas

(South) the respondent no. 5 herein, to consider the said prayer of the petitioner and to pass a reasoned order.

In compliance of the said order, the said respondent by an order dated August 23, 2021 has disposed of the said prayer of the petitioner holding that the approval of the appointment of the petitioner in the post of Headmaster has not yet been accorded due to the dispute as to the validity of his Post-Graduate and the B.Ed degrees. The said respondent by the said order sought clarification in this regard from the Principal Secretary School Education Department, Government of West Bengal.

The petitioner by the instant writ petition is praying, *inter alia*, that the authorities may be directed to decide the dispute taking into consideration of his representation annexed with the writ petition being annexure 'P-10'.

Mr. Tripathy, learned Counsel for the petitioner submits that the petitioner does not want to pursue the claim of arrear salary as Headmaster of Uttar Kashiabad Sri Krishna Chaitanya Madhyamik Vidyalaya but the authorities may be directed to release his salary as Assistant Teacher of the said school for the period he served the said school.

Mr. Chattopadhyay learned Counsel for the State opposing the said prayer of Mr. Tripathi submits that it would be beyond the scope of the present writ petition, the petitioner has to approach the appropriate authority for the said relief.

The approval of appointment the petitioner as Headmaster has not yet been accorded as such he is not entitled to the arrear salary as prayed for. However, he is free to apply before the appropriate authority to get the salary as an Assistant Teacher and if such application is made, the authority is free to decide such claim in accordance with law.

W.P.A. 5385 of 2022 is disposed of with the above observations without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)