

Court No.
27.03.2023

(Item No. 120)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 15234 of 2022

Sipra Acharjee Chatterjee
VS
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
..... for the petitioner
Ms. Sanghamitra Nandy
Mr. Bidhan Biswas
.... For the State
Ms. Saswati Chatterjee
.... For WBBSE

Pursuant to the direction made by this Court on February 17, 2023 an exception to the report in the form of an affidavit affirmed on February 24, 2023 is filed today in Court, the same is taken on record. Copy has already been served upon the respondents.

The petitioner claimed to be an **Assistant Teacher** at present working at **Kusumbani Jamuna Das Khemka High School (H.S.), District – Bankura**. The petitioner filed this writ petition on account of his alleged admissible salary not paid to the petitioner by the State authorities to the extent of **Rs.2,47,835/- as pleaded in paragraph 7** to the writ petition.

Pursuant to the direction made by this Court on January 10, 2023 the respondent No. 4 had filed a report in the form of an affidavit affirmed on January 20, 2023. The relevant averment, *inter alia*, made in

the said affidavit report on behalf of the respondent No. 4 is quoted below:

“e) Thereafter, the said school authority submitted the claim of the petitioner as arrear salary with a bill amounting to Rs.1,89,999/- on 14.03.2022 vide its letter dated 12.03.2022 before the District Inspector of Schools (S.E.), Bankura, which was duly vetted from the office of the Directorate of Accounts (Education), Bankura Government of West Bengal and the said arrear bill was sent to the Commissioner of School Education, Government of West Bengal vide Memo No. 1022/S dated 05.04.2022 to sanction the requisite fund, so that the said arrear salary could be paid to the petitioner; but, till date no amount and/or fund has been received there from by the District Inspector of Schools (S.E.), Bankura and from the above score of events, it can be said that the arrear salary will be paid to the petitioner as soon as fund for the same is sanctioned and disbursed by the Commissioner of School Education being Respondent No. 02 in the above writ petition.”

After considering the submissions made on behalf of the parties and on perusal of the materials on record including the statements made on oath by and/or on behalf of the respondent No. 4, there is no doubt in the mind of this Court that as of now a sum of **Rs.1,889,999/-** admittedly due and payable to the petitioner.

In view of the above, the respondent No. 2 is directed to disburse the fund to the extent of **Rs.1,89,999/-** in favour of the respondent No. 4

positively **within a period of three weeks** from the date of communication of this order and the respondent No. 4 in turn shall disburse the same by crediting the bank account in terms of the particulars of the bank account to be furnished before the respondent No. 4 by the petitioner, positively within a period of two weeks after receiving the bank account particulars from the petitioner. The relevant memo number sent to the Commissioner of School Education is **Memo No. 1022/S dated April 5, 2022** concerning the petitioner.

In so far as the balance amount is concerned, after adjusting the said sum of Rs.1,89,999/- out of the said total claim of **Rs.2,47,835/-** as pleaded in **paragraph 7** to the writ petition, the respondent No. 4 shall decide the issue by passing a reasoned order after giving an opportunity of hearing to the petitioner upon serving him at least seven days prior hearing notice and then shall communicate his reasoned order to the petitioner and the respondent No. 2 for disbursement of the fund and then the appropriate authority shall pay the petitioner forthwith. The entire exercise as directed herein above, so far as the balance quantum is concerned shall be carried out and completed within a period of 10 weeks from the date of disbursement to be made by the respondent No. 2 so far as **Rs.1,89,999/-** is concerned.

It is needless to mention that the petitioner shall be at liberty to rely upon whatever documents she wishes to rely upon, if necessary the School authority also may be heard by the respondent No. 4.

Mr. Kamalesh Bhattacharya, learned counsel appearing for the petitioner, on instruction, submitted that, there was no proceeding of whatever nature being it in the nature of disciplinary or otherwise was initiated against the petitioner by the relevant School authority at any point of time and the petitioner shall retire in **January, 2024**.

Since the petitioner is going to retire in January 2024 with an unblemished carrier as of now, the relevant School authority and all other State authorities shall take all necessary steps strictly in accordance with law to ensure that, the service book of the petitioner is made up to date along with Provident Fund Ledger under the supervision of the respondent No. 4.

On the above terms, this writ petition being **WPA 15234 of 2022** 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.)