

07.02.2023
(D/L-26)
Ct.-18
(Susanta)

W.P.A. 17274 of 2022

Manas Kumar Sengupta

-Vs-

The State of West Bengal & Ors.

Mr. Subir Banerjee,
Md. Hossain,
Mr. Sounak Ghosh,
Mr. N. Maity,

.... For the Petitioner.

Mr. Ziaul Islam,
Mr. Abdus Salam,

.... For the State.

The petitioner worked as a temporary Science Teacher of Nabarun Pally Shibhala, Vidyalaya (Junior High School), Sodepur, District- 24-Parganas (North).

The petitioner praying approval of his such appointment moved a writ petition being C.O. 11788(W) of 1987 which was disposed of on December 22, 1987 by directing the respondents to give ad hoc temporary continuance of the petitioner in the post of Science Teacher with effect from the date of his appointment on January 01, 1986 and to pay ad hoc salary.

The application for contempt alleging violation of the said order was taken out. The said application was also disposed of on November 16, 1988 with a direction to release six months' ad hoc salary.

The petitioner again moved a writ petition being W.P. 14550(W) of 2004 which was disposed of by the order dated July 02, 2014 with a direction

upon the concerned District Inspector of Schools (S.E) to consider the claim of the petitioner for approval of his appointment with an observation that in the event, the concerned authority finds that approval cannot be granted, a reasoned order upon hearing the petitioner be passed.

The petitioner by the instant writ petition is praying for a direction upon the concerned District Inspector of Schools (S.E), the respondent no.3 herein to pay him the salary for period from January 01, 1986 to May 23, 1990.

Mr. Islam, learned advocate for the State files a copy of the written instruction received from the respondent no. 3, an office Memorandum dated September 22, 2014 forms part of the said instruction.

It appears from the said Memorandum that the respondent no. 3 has rejected the claim of the petitioner as directed by aforesaid order dated July 02, 2014 holding that the petitioner was appointed as an unapproved temporary Science Teacher beyond any sanctioned post and was dismissed from his said temporary appointment w.e.f. May 23, 1990.

Mr. Banerjee, learned advocate for the petitioner submits that he was not aware of the said Memorandum.

It appears from the said Memorandum that the petitioner participated in the hearing before the respondent no. 3 but suppressed the said fact. The petitioner worked in an unsanctioned post, that too, on a temporary basis, his service was terminated on the ground of gross misconduct.

Besides aforesaid, the petitioner is claiming arrear remuneration allegedly accrued in his favour more than twenty-two (22) years ago.

The petitioner, in the facts and circumstances as discussed above, is not entitled to the relief, as prayed for.

W.P.A 17274 of 2022 is therefore dismissed 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.)