

25.07.2023
Item No.36
Ct. No.17
S.A.

WPA 18917 of 2022

Dev Ranjan Ghosh
-vs-
State of West Bengal & Ors.

Mr. Debabrata Karan
Ms. Sabita Khutia (Bhunya)
Mr. Krishnapada Santra
Mr. Debopriyo Karan
Ms. Ria Bhunya
...for the petitioner
Mr. Shamim ul Bari
...for the DPSC, Malda
Mr. B. P. Vaisya
Mr. Ranjan Saha
...for the State

In this matter the petitioner was deprived of his promotion to the post of a Head Teacher of a primary school on the ground that he could not produce the original employment exchange card. Nobody has clarified before this court why this employment exchange card in original is required at all when the petitioner was working as a primary teacher in a school from 1996. It is common knowledge that as soon as a person gets employment, the employment exchange card is required to be surrendered to the employment exchange which issued the card. Therefore, an employed person cannot produce the employment exchange card at the time of his promotion.

However, it is found from the letter of the Secretary of the Malda District Primary School Council dated 27th June, 2007 (Annexure P-14 of the writ application) that the employment exchange registered card of Malda employment exchange in original was to be produced. This shows that the Secretary including the other officials demanded something which was not possible for the petitioner to produce. The Secretary and the other officials also do not know the procedure of surrendering the employment exchange card. Therefore, the petitioner's promotion was denied illegally and for a ground which is wholly not applicable to the petitioner, a working teacher. Furthermore, employment exchange card is not required for any employed person, employment exchange card is for the persons who have not joined any employment.

Therefore, I direct the authorities to appoint the petitioner to the post of a Head Teacher of any primary school forthwith.

It has been submitted on behalf of the petitioner that the petitioner is going to retire on 31st July, 2023. Therefore, even if the petitioner cannot be given promotion within six days from date, the concerned department and the Director of Pension, Provident Fund and Group Insurance shall consider the petitioner as a Head Teacher and appropriate scale of

pay has to be given to him notionally from 01.10.2007 i.e. the date when the petitioner was called for counselling for appointment to the post of Head Teacher as appears from Annexure-‘A’ of the report filed by the Chairman of the District Primary School Council, Malda.

As the petitioner was denied illegally the promotion, an amount of Rs.500,000/- (rupees five lakhs) is to be paid to the petitioner as compensation for such illegal deprivation by the District Primary School Council, Malda within a period of four weeks from the date of communication of this order. The petitioner has also been deprived of four months salary from April, 2007 to July, 2007, that amount has also to be paid by the District Primary School Council within a period of eight weeks from date along with simple interest at the rate of 5% per annum.

With the above observation and direction, this writ application is allowed.

(Abhijit Gangopadhyay, J.)