

09.01.2023

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WPA 17936 of 2015

Dr. Biswanath De

Vs.

The State of West Bengal & Ors.

Mr. Samir Kumar Adhikari

... For the petitioner.

Ms. Debjani Sengupta

Ms. Koyel Bag

Mr. Abhijit Chatterjee

... For the respondent no. 6.

Mr. Sandip Kumar Bhattacharyya

... For the respondent no. 3.

Mr. Santanu Kumar Mitra

Mr. Subhabrata Das

... For the State.

The petitioner retired as a Principal of Silda Chandra Sekhar College, Paschim Medinipore under Vidyasagar University on 31st March, 2013.

The only grievance that has been urged by the learned advocated for the petitioner is that he was given 276 days leave encashment benefit by the Director of Public Instruction by his order dated April, 20, 2015, though he was entitled to get leave encashment of 300 days.

It appears that the claim of the petitioner is based on the Rules dated 1st March, 2013 namely, "Leave Rules applicable for all Teachers of Govt. aided including erstwhile sponsored Colleges in the State under Vidyasagar University a Government".

It appears that the said rules were sent to the Secretary to the State, Higher Education Department on 25th March, 2013. The Chancellor accorded his concurrence on 26th April, 2013 and the same was communicated to the University on 7th May, 2013.

I am of the view that the petitioner was not entitled to the benefits of the said rules since he retired on 31st March, 2013.

It, however, does not appear that the Director of Public Instruction declined to extend the benefits of maximum 300 days leave encashment benefit under the said rules to the petitioner. As per the calculation of the Director of Public Instruction, the petitioner was entitled to encash 276 days' leave. There is nothing in the pleading to suggest that the said calculation was wrongly done by the Director of Public Instruction.

In that view of the matter, no interference is called for. Accordingly, WPA 17936 of 2015 is dismissed.

There will be no order as to costs.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)