

04.09.2023
Item No.4
gd/ssd

WPA(P)/451/2023
SANJIB KUMAR ROY & ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Harisankar Chattopadhyay,
Mr. Chittaranjan Panda
..for the Petitioners.

Mr. Supriyo Chattopadhyay,
Mr. Suman Dey
..for the Respondent Nos.1, 2, 5 and 6.

Mr. Arjun Ray Mukherjee,
Ms. Saheli Mukherjee,
Mr. Joyjeev Medhi
..for the Respondent No.3.

1. By this public interest litigation the petitioners focus the issues for the in-service Shiksha Bandhus and have sought for various reliefs including grant of various service benefits to the Shiksha Bandhus.

2. The petitioners are the retired Shiksha Bandhus would state that they have no personal interest in the matter but are trying to expose the cause of the Shiksha Bandhus who are now discharging the duties without proper emoluments and benefits. In the writ petition the petitioners have listed out certain points of law.

3. On perusal of the same, we find the petitioners seek for fixing appropriate remuneration

and designation as per the qualification and job responsibilities of the Shiksha Bandhus.

4. The petitioners also question the action of the State Government in continuing the employees as contractual employees and meeting out discriminatory treatment and without regularising or absorbing them in the regular cadre.

5. Though the cause brought before the court appears to be laudable, we are precluded from granting any relief in this writ petition filed as a public interest litigation as essentially the dispute or issue as a service matter and if it is the service matter, then a public interest litigation is barred. As could be seen from the writ petition, more particularly in pages 40 and 41 of the writ petition, the petitioners themselves have listed out 10 writ petition numbers, some of which have been filed by association consisting of Shiksha Bandhus as its members. In one such writ petition the prayer sought for by the association was for payment of actual remuneration as per 65% + 35% of Central and State component. Another writ petition seeks for the direction for paying revised scale of pay under the 6th Pay Commission. Another writ petition has been filed for payment of arrears of salary. In another writ petition the remuneration which is much below than the Group-C and Group-D has to be increased. There is also a prayer for raising the service tenure upto 65

years. Admittedly, out of the 10 writ petitions which have been listed out, eight writ petitions are still pending.

6. The learned advocate for the petitioners would submit that the relief sought for in this writ petition is a comprehensive one and it would cover all Shiksha Bandhus.

7. However, noting that the relief sought for directly touches upon the service benefits which are to be extended to the Shiksha Bandhus, we are unable to entertain the writ petition nor grant any relief as sought for by the writ petitioners in this writ petition.

8. The learned advocate for the petitioners also pointed out that several representations have been given commencing from the year 2016 to various authorities and none of the representations have been considered.

9. In our view, the aggrieved person has to agitate his grievances before the authorities or before the court and we find that 10 such writ petitions have been already filed, two of which have been disposed of.

10. In the light of the above, while declining the grant the relief sought for in the writ petition, we grant liberty to the petitioners to intervene anyone of the writ petitions which is pending before the learned Single Bench where the relief sought for is a comprehensive relief and the petitioners are the

association and assist the court in coming to a right conclusion.

11. With the above observation, the writ petition stands disposed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)