

Court No.
17.02.2023

(Item No. 28)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25760 of 2022

Sri Debabrata Baidya
VS
The State of West Bengal & Ors.

Mr. Susanta Pal
Ms. Ananya Neogi
.... For the petitioner
Mr. Kunal Ganguly
.... For respondent No. 6

Two affidavits of service filed in Court today,
are taken on record.

The petitioner claimed to be a **Head Master** at
Paschim Joynagar JC High School (H.S.) Basirhat.
He was suspended by the relevant school authority
during the period from **November 16, 2010 to July**
27, 2022. Subsequently with the intervention of the
respondent No. 6 by its decision **dated July 29,**
2022, Annexure P-4 at **pages 19 to 22** to the writ
petition the said suspension was recalled and/or set
aside.

Mr. Susanta Pal, learned advocate appearing
for the petitioner submitted that, during the
suspended period the petitioner had received the
subsistence allowance. Since the suspension was
recalled by the Board, the petitioner should have been
treated as an employee without any suspension and
as such he should have been released and paid with
his due salary in its entirety for the said suspended

period. The petitioner had joined the School with effect from July 28, 2022.

Mr. Kunal Ganguly, learned counsel appeared for respondent No. 6.

Considering the submissions made on behalf of the appearing parties and on perusal of materials on records to sub-serve justice, the respondent No. 3 is directed to release and pay the petitioner his due salary for the period of suspension i.e. between **November 16, 2010 and July 27, 2022** after giving due adjustment of the subsistence allowance already paid to the petitioner during such suspended period.

For the purpose of assistance the respondent No. 3 shall be at liberty to call upon the petitioner if necessary upon giving at least seven days prior hearing notice to the petitioner

The entire exercise as directed above, shall have to be carried out and completed by the respondent No. 3 positively within a period of six weeks from the date of communication of this order.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner and to ascertain the correct figure payable to the petitioner the respondent No. 3 and the petitioner shall be at liberty to rely upon whatever records and documents they wish to rely upon.

If necessary, the respondent No. 5 shall render all possible assistance to the respondent No. 3, if it is asked for.

After necessary direction comes from the respondent No. 3 for payment the Treasury concerned shall take all further and consequential steps to pay the petitioner by disbursing the amount in his favour positively within a further period of two weeks from the date of communication of the decision of the respondent No. 3 to be communicated by the petitioner.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 25760 of 2022** stands allowed.

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.)