

CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI

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13.07.2023
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WPA 1298 of 2023

Tridip Biswas & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sanjay Mazoomdar
Ms. Sukanya Adhikary
...for the petitioner

Mr. Bikramaditya Ghosh
Mr. Pretom Das
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Writ petitioners are presently working as guest teacher in a same school after their superannuation from the post of assistant teacher in high school. The grievance which has been voiced on behalf of the petitioners is in spite of issuance of memorandum dated 2nd December, 2019 by the Additional Chief Secretary, Government of West Bengal Finance (Audit) Department benefit which is required to be extended in favour of the petitioners being guest teacher till date has not been extended. Therefore petitioners are compelled to function as guest teacher against the remuneration which has been fixed under the old rate.

State-respondents are represented by learned advocate who has submitted that appropriate authority to take decision with regard to grant benefit of memorandum dated 2nd December, 2019 is the Commissioner of School Education, Government of West Bengal. It has also been submitted that no application/representation has been made to the Commissioner of School Education, Government of West Bengal.

Accordingly, the petitioners are granted leave to make representation to the Commissioner of School Education, Government of West Bengal within a period of 4 (four) weeks from date claiming benefit of memorandum dated 2nd December, 2019. If such representation is made within the aforesaid time the Commissioner of School Education shall take decision on the claim of the petitioners within a period of 12 (twelve) weeks from the date of receipt of representation and pass reasoned order after granting opportunity of hearing to the petitioners or their representative.

The decision to be taken by the Commissioner shall be communicated to the petitioners within 2 (two) weeks thereafter.

With the aforesaid direction, the writ petition stands disposed of.

Learned advocate for the petitioners is granted leave to amend the cause title of this writ petition and add Commissioner of School Education as additional respondent in course of this day. Service of notice upon the Commissioner of School Education stands dispensed with since State-respondents are represented by learned advocate.

Learned advocate for the petitioner is also directed to communicate the order passed by this Court today within 7 (seven) days from date.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)