

Item No.13
22.11.2023
Court. No. 2`
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

W.P.A. 2490 of 2023

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

*Mr. Sanjay Mazoomdar,
Ms. Sukanya Adhikary*

...for the Petitioner.

*Mr. Pretom Das
Mr. Kumar Shantanu*

...for the State.

Affidavit-of-service filed in Court today, be kept
with the record.

The writ petition is disposed of with a direction
upon the Commissioner of School Education to consider
how a retired teacher, who joined Government Model
School on June 17, 2022 as guest teacher in English and
another teacher who joined in Government Model School
Old Malda were allowed remuneration on the basis of the
GO No.6472-F(P II) dated December 2, 2019 issued by the
Finance Department, Government of West Bengal,
whereas the same was denied to the petitioners and the
remuneration of the petitioners were determined on the
basis of the memo dated December 19, 2018.

The Commissioner of the School Education
rejected the claim of the petitioners for remuneration in

accordance with the appointment letter dated February 4, 2020 by which the remuneration was to be equivalent to last pay minus pension.

According to the petitioners, the last pay in case of the petitioners was calculated as the basic pay without adding DA and HRA, although it was given to another guest teacher whose order is at page 33 of the writ petition. In another case for the district of Malda a similar pay fixation was made contrary to the petitioners.

Under such circumstances, the order impugned is set aside. The Commissioner of School Education, West Bengal shall treat the writ petition as a representation and dispose of the same in accordance with law. First and foremost, the authority must address the interpretation of the appointment letter which was issued in favour of the petitioners on February 4, 2020 by the Deputy Director of the School Education Boys High, West Bengal. The admissible remuneration in the letters of engagement was equivalent to the last pay minus pension. In the case of the petitioners, the last pay was taken as the basic pay whereas in the case of other similarly situated teachers in other district, the last pay was taken as the basic pay with DA and HRA as is available at Annexure P5 and P7. According to the petitioners, such anomaly and discrepancy in calculation of the last pay has caused financial loss to the petitioners, whereas, other similarly situated teachers are earning more.

This aspect must be looked into and an order should be passed accordingly. If required, the other guest teachers who are getting higher remuneration as also the authorities who calculated such pay fixation of the other teachers, shall also be heard along with the representative of the petitioners and a reasoned order shall be passed and communicated.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)