

Item No.60

19.07.2024
Ct-14

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 267 of 2024
Kalyan Das & Ors.

v.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Saikat Sutradhar
Ms. Sagarika Goswami
... for the petitioners.

Mr. Supriyo Chattopadhyay, Ld. AGP
Ms. Sayantanee Bhattacharjee
... for the State.

Mr. B.P. Vaisya
Mr. Gourav Das
... for DPSC, South 24 Parganas.

The petitioners were appointed as Primary School Teachers after the order dated January 24, 2019 was passed by the Hon'ble Supreme Court in the matter of Amina Khatun & Ors. v. Birbhum District Primary School Council & Ors.

The Court in the order dated January 24, 2019 clearly recorded that the appointment shall be given keeping in mind the posts advertised and filled up and they would get the benefit of the appointment with all benefits flowing prospectively only.

The petitioners pray for grant of notional benefit.

Learned advocate representing the respondents submits that as the Hon'ble Supreme Court decided the issue and directed grant of benefit prospectively,

accordingly, there is no scope for granting notional benefit to the petitioners.

Reliance has been placed on the order passed by a coordinate Bench of this Court on November 30, 2023 in WPA 16878 of 2023 (Uttam De v. The State of West Bengal & Ors.) wherein the Court was pleased to disallow the prayer of the petitioners.

I am of the opinion that the stand of the respondents is proper. The Hon'ble Supreme Court has clarified that the benefits would flow prospectively and, accordingly, there is no scope for allowing notional benefit to the petitioners. Allowing notional benefit would be contrary to the direction passed by the Hon'ble Supreme Court in the matter of Amina Khatun (supra).

The writ petition, accordingly, fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)