

24.06.2024.
Court No.13
Item No. 31
ap

W.P.A. No. 1149 of 2024
Uttam Bandyopadhyay
Versus
The State of West Bengal & Ors.

Mr. Sudip Sarkar,
Mr. Krishna Pada Santra,
Mr. Partha Sarathi Mishra.

...For the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Baran Mandal.

...For the DPSC, Purulia.

Mr. Supriyo Chattopadhyay, ld. AGP
Ms. Tapati Samanta.

...For the State.

1. District Primary School Council, Purulia has filed a letter dated 25th January, 2024 addressed to the Commissioner of School Education, West Bengal. The same is kept with the record.
2. It is clear that the petitioner has secured 19.61 marks in the recruitment process of the year 2009 which was completed in the year 2015.
3. The other facts of the case are noted in this Court's order dated 10th June, 2024. The writ petitioner was clearly entitled to appointment in the year 2017 in view of the orders dated 4th April, 2017 passed in W.P. No. 2669 (W) of 2017 and W.P.C.R.C. No. 146 (W) of 2017.
4. This Court directs the Commissioner of School Education, West Bengal to approve the petitioner's appointment and communicate the same to the

District Primary School Council, Purulia. District Primary School Council, Purulia shall issue appointment to the petitioner mandatorily and positively within a period of one week from date.

5. The petitioner's service shall be notionally counted from 4th April, 2017. His salary including all increments shall be calculated notionally from the said date till the date of his joining. His salary shall be fixed as if he had joined the service on 4th April, 2017 and was entitled to all the increments and revisions thereafter. The actual financial benefits to the petitioner i.e. the salary and other components shall be paid with effect from the date of joining. The length of service of the petitioner shall, however, be calculated with effect from 4th April, 2017.

6. It is expected that the Commissioner of School Education, West Bengal and the District Primary School Council, Purulia act strictly within the time frame stipulated above.

7. With the aforesaid directions, the instant writ petition is allowed and disposed of.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

