

24 04.01.2024

Ct-08

ar

MAT 356 of 2023

with

I.A No. CAN 1 of 2023

CAN 2 of 2023

Goutam Pramanik

Vs.

The State of West Bengal & Ors.

Mr. P. Basu

Mr. Nirmalendu Bera

Mr. Abhijit Sarkar

... For the Appellant

Mr. Supriyo Chattopadhyay

Ms. Tuli Sinha

... For the State

Re: CAN 1 of 2023

(Condonation of Delay)

1. There is a delay of 212 days in presenting the memorandum of appeal.
2. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the statutory period, we are inclined to condone the delay in presenting the memorandum of appeal.
3. The application for condonation of delay is, thus, allowed without any order as to costs.
4. CAN 1 of 2023 is thus disposed of.

Re: MAT 356 of 2023

1. Now we are taking the appeal along with application for stay. We have heard the learned counsel appearing for the parties. The affidavit of service filed in Court be kept with the record.

2. The appellant/petitioner is aggrieved by the order dated 27th June, 2022 passed by the learned Single Judge in the writ petition in which he has challenged the order passed by the District Inspector of Schools(S.E), Nadia on 24th April, 1999 denying his increment. The increment of the petitioner was stopped with effect from 1st January, 2001 to 1st January 2005 as he was untrained at that time. The petitioner was given 10 years benefit from 3rd March, 2005 as per para-12(2) of G.O No. 25-SE(B)1M-102/98 dated 12.02.1999 due to completion of 10 years service. He was given regular annual increments with effect from 1st January, 2006 to till date as per para-4, Rule-12 of G.O No. 25-SE(B)1M-102/98 dated 12th February, 1999 and as per G.O No. 730-SE(S) dated 16th September, 1998. The District Inspector of Schools(S.E), Nadia has relied upon Government Order no. 759-SE(S)/2P-1/09 dated 30.07.2009 of SED WB *“As during the period of Court Cases continued for the last 3 years, the incumbents concerned were unable to even get themselves admitted to the B.Ed. course in the colleges approved by NCTE, the Governor after careful examination of all facts and circumstances of the cases has been pleased to allow the incumbents in*

drawing increments upto the year 2012 as usual and during that period they must have to complete such training approved by NCTE. This is one time relaxation which being granted upto the year 2012 and will not be extended beyond that on any ground.” Thereafter as per No. 118-SE/S/10M-29/16 dated 06.02.18 of SED WB “one time relaxation granted vide G.O No. 759-SE(S)/2P-1/09 dated 30.07.2009 read with Memo No. 516-SE/S/2P-1/09 dated 29.03.2010 may be extended in respect of increments for all untrained teachers appointed during the period from 2006 to 2009 up to 01.07.2015 and all such teacher will be allowed to draw annual increment upto 01.7.2015 as usual. It is made clear that no further relaxation will be allowed thereafter.”

3. Learned Single Judge has rightly observed considering the Circular dated 8th July, 2019 and other Circulars that the extension of such benefit was given by way of one-time measure and the petitioner was admittedly appointed in March 1995 without the B.Ed. degree.

4. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

5. In view of the aforesaid, the appeal being MAT 356 of 2023 stands disposed of.

6. In view of the disposal of the appeal, nothing remains to be decided in the application for stay being CAN 2 of 2023 and the same is accordingly disposed of.

7. However, there shall be no order as to costs.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

