

09.07.2024

Sl. No.18

Bd/bpg.

Ct. 13

W.P.A.7657 of 2023

Salil Mandi & Ors.

-Vs-

The State of West Bengal & Ors.

Mr.Tulsidas Maity

Mr. Pradip Kumar Ghosh.

... for the petitioners

Mr. S.T. Mina

Mr. Ranjit Rajak.

... for the State.

Mr. Ranjan Saha.

...for the DPSC.

1. The petitioners claim that by reason a fair interpretation of a circular dated 8th October, 2009 further chance to exercise option to get ten years service benefit after the annual increment on 01.07.2006. The ten years benefit would have been available to them w.e.f 1st July, 2006. The petitioners, representation annexed to the writ petition however appear to have claimed the benefit of the memorandum dated 8th October, 2009 issued by the School Education, Department. Yet in the same breath,

prayer (c) has been made in the writ petition for quashing of the said memorandum dated 8th October, 2009. Counsel for the petitioners across the Bar submits that the prayer (c) may be deleted.

2. The State has filed a report by way of an affidavit stating that the claim of the petitioners is hopelessly barred by delay and laches. The benefit which they could have claimed in July, 2006 has been claimed for the first time in the year 2023.

3. Apart from that, it is submitted that it is nearly impossible for the District Inspector of Schools to deal with the cases of 189 writ petitioners in one order. In addition thereto in the report filed by the State it has been contented by the State that the writ petitioners cannot be permitted to claim a benefit of 10 years benefit on the 1st July, 2006 after obtaining the annual increment in the previous month.

4. Be that as it may, in the exception filed to the report by the State, counsel for the petitioners have indicated instance of several persons namely about 36 persons similarly placed to the petitioners who have been allowed 10 years benefit on 13th August, 2021 and 10th August, 2014.

5. This Court directs the District Inspector of Schools, (P.E.), Paschim Medinipur to consider the cases of at least 10 petitioners in a single order having due regard to the memorandum dated 8th October, 2009, the report filed by the State before this Court, and the exception thereto filed by the petitioners therefore.

6. Let the consideration be effected within a period of three months from the date of receipt of a copy of this order along with a copy of the writ petition, the report of the DI and the exception of the petitioner. The petitioners may produce any document which may be required by the DPSC, Paschim Medinipur. The Chairman, DPSC, Paschim Medinipur shall be entitled to seek any clarification from the District Inspector of Schools, Paschim Medinipur in this regard.

7. Let a copy of the decision of the Chairman, DPSC, Paschim Medinipur be communicated to the concerned employees immediately thereupon.

8. With these observations, the writ petition is disposed of.

9. Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

10. There will be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties, on priority basis.

(Rajasekhar Mantha, J.)