

S/L 69
07.02.2024
Court. No. 3
Suvayan

WPA 8862 of 2021

Khabirul Alam
Vs.
The State of West Bengal & ors.

Mr. Pinaki Dhole
Mr. Rabindra Kumar Pathak

...for the petitioner.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...for the State.

Ms. Koyeli Bhattacharyya

...for the W.B.B.S.E.

Mr. Masud Karim
Mr. Abdul Amanulla Khan

...for the respondent nos. 7 and 8.

1. Learned Advocate for the writ petitioner, learned Advocate for the respondent/State, learned Advocate for respondent Nos. 3 and 4, i.e., West Bengal Board of Secondary Education and its President and learned Advocate for the respondent Nos. 7 and 8, i.e., the President, Managing Committee, Daulatpur High School (H.S.) and its Headmaster are represented by their respective learned Advocates.
2. The report in the form an affidavit as submitted by West Bengal Board of Secondary Education and the supplementary affidavit as filed by the petitioner are taken on record.
3. In this writ petition the writ petitioner has challenged the authority of the Daulatpur High School (H.S.) in disbursing less amount of salary on account of his alleged involvement in a criminal

case followed by his arrest and subsequently release of the writ petitioner on bail.

4. On perusal of the entire materials as placed before this Court and after hearing the learned Advocates for the contending parties it reveals to this Court that the present writ petitioner was arrested in connection with a criminal case on 21.09.2020 and since he was in custody for more than 48 hours, the school authority for the reason best known to them had reduced the salary of the writ petitioner.
5. From the report as submitted on behalf of the West Bengal Board of Secondary Education it reveals that by a resolution dated 14.10.2020 the school authority without informing the board regarding the said detention of the writ petitioner suspended him with effect from 21.09.2020 violating the provisions of West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct And Discipline Of Teacher And Non-Teaching Staff) Rules, 2018. However, on being informed by the school under cover of their letter dated 11.12.2020 the board vide its order dated 03.03.2022 granted post-facto approval of the suspension of the present writ petitioner with effect from the date of his arrest till he was released on bail. However, the writ petitioner was allowed to join his duty.
6. From the materials placed before this Court it reveals that the petitioner was arrested on

21.09.2020 and he was released on bail on 07.11.2020 and he joined his duty on 09.11.2020. It is the grievance of the writ petitioner that though the writ petitioner was provided with the subsistence allowance during the period of his suspension but he was not paid with the full salary from the date of resuming of his duty that is with effect from 09.11.2020 till the end of September, 2021.

7. It is fairly submitted by the learned Advocate for the board that such action on the part of the school authority has got no basis and the board has also not passed any direction to the school for diminishing the amount of the salary of the writ petitioner.
8. Such being the position, this Court while disposing the writ petition directs the respondent Nos. 6, 7 and 8 to raise the arrear bill of the writ petitioner according to his full entitlement and to send the same to the D.I. of School for releasing the arrear salary of the writ petitioner in accordance with law. The entire action on the part of the school for raising the bill for arrear salary of the writ petitioner that is from 09.11.2020 to the last day of August, 2021 is to be completed by February 29, 2024 and D.I. of School has to release the arrears salary of the writ petitioner within a month from the date of receipt of such arrears bill.

9. Learned Advocate for the school authorities is hereby requested to communicate the server copy of this order to the school authority for their immediate action.
10. With the aforementioned observation the instant writ petition being WPA 8862 of 2021 is allowed and disposed of.
11. Parties to act on the server copies of this order.
12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)