

ML 175
17.09.2024
Ct. No. 18
adeb

W.P.A. 12978 of 2023

**Sri Bhakti Pada Maji
Vs.
The State of West Bengal & Ors.**

Mr. Rudranil De
Mr. Arunava Jana
...for the petitioner

Mr. Pinaki Dhole
Mr. Avishek Prasad
...for the State

Petitioner was an assistant teacher in a school, who retired on superannuation on 31st May, 2013. It is submitted by the learned advocate representing the petitioner that he was teacher-in-charge of the school at the time of his superannuation. Petitioner has claimed refund of the amount which he utilized while he was in service for certain works of the school.

Petitioner filed another writ petition being WPA 23274 of 2018 which was disposed of on 13th March, 2020 thereby directing the teacher-in-charge of the school to take decision on the representation of the petitioner. Subsequent to the order dated 13th March, 2020 the teacher-in-charge of the school passed order on 14th March, 2023 wherein referring to Managing Committee resolution no. 04/2018 dated 11th December, 2018 the claim of the petitioner was negated. Such decision of the teacher-in-charge dated 14th March, 2023 is under challenge.

During course of hearing copy of the resolution of the Managing Committee dated 11th December, 2018 is placed before this Court.

On perusal of the Managing Committee resolution dated 11th December, 2018 it appears that the Managing Committee took decision rejecting claim of the petitioner since there was no Managing Committee resolution authorizing the petitioner to carry out the work and petitioner was on leave on and from 18th September, 2012 to 9th May, 2013 and thereafter petitioner retired on superannuation on 31st May, 2013. On hearing the learned advocate representing the petitioner it appears that the petitioner has made a money claim which has been disputed by the Managing Committee of the school.

Considering the nature of the issue involved in this writ petition it transpires that the present writ petition is not maintainable and if the petitioner has grievance relating to non-payment of the amount which he is entitled to receive he needs to file money suit for payment. It is exclusively a dispute in between the petitioner and the school authority. Therefore, the present writ petition is not maintainable.

Accordingly, the writ petition stands dismissed.

Petitioner is granted leave to take steps in accordance with law for payment of the amount which according to the petitioner is required to be paid by the school authority.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)