

05.08.2024
Ct. No. 14
Sl. No.72
KB

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 19440 of 2024

**Taraknath Halder
-versus
State of West Bengal & Ors.**

**Mr. Saktipada Jana
... For the petitioner.**

**Mr. Gourav Das
Ms. Srijani Mukherjee
...For the State.**

The petitioner is primary school teacher who was appointed in September, 2022 pursuant to the order passed by the Court on **5th September, 2022** in **WPA 5505 of 2022 (Soham Roy Choudhury & Ors. vs. The State of West Bengal & Ors.)**.

While disposing of the earlier writ petition, the Court specifically recorded that the petitioner was deprived because of the Board's fault. Valuable six years of the petitioner ought not to be wasted for the fault of the Board.

The petitioner participated in the recruitment process of the year 2016 but was issued appointment letter in September, 2022. Similarly circumstanced

candidates have already been issued letter of appointment in the year 2017.

The petitioner prays for notional benefits.

Representation was filed by the petitioner for grant of notional benefit on 19.07.2024. No steps have been taken for consideration of the same till date.

Learned advocate for the petitioner relies upon the order passed by a Coordinate Bench of this Court on **11th July, 2024** in **WPA 27622 of 2023 (Animesh Karmakar -Vs- The State of West Bengal & Ors.)** wherein under similar circumstances the Court directed the service of the petitioner to be notionally considered from February, 2017. Direction has been passed for payment of notional increments and any revision as also the length of service from February, 2017.

As the petitioner appears to be standing on the same footing as that of Animesh Karmakar (supra), accordingly, the instant writ petition is disposed of by directing that the service of the petitioner shall be notionally considered from February, 2017. Actual financial benefit shall not be payable to the petitioner prior to his date of appointment.

The petitioner shall also be entitled to the notional increments and the length of his service shall be calculated from February, 2017.

If any increment has been given to the teachers who joined in February, 2017 till November, 2022, the

same shall be made available to the petitioner prospectively from the date of his joining. The salary slip and the pay scale of the petitioner shall be revised accordingly.

The District Inspector of Schools (Primary Education), South 24 Parganas to do the needful in this regard.

Arrears, if any, from November, 2022 till date shall be paid to the petitioner within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)