

29.08.2024
Ct. No. 14
Sl. No.55.
AGM

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

WPA No.20740 of 2024

**Bobby Sarkar & Ors.
Vs.
The State of West Bengal & Ors.**

Md. Sarwar Jahan
Mr. Subrata Ghosh
Ms. Tapati Samanta.
... For the petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mandal
... For the DPSC, Kolkata.

The petitioners are primary school teachers. They are aggrieved by the office memorandum dated 6th June, 2024 being Memo no. 1147/PC issued by the Chairman, Kolkata Primary School Council requesting the officers and Sub Inspectors to immediately take up the issue of recasting the service book of the primary school teachers, if necessary, and act according to the Memo no. 209 SE (EE)/PTTI-7/2011 dated 4th March, 2013 before sending proposal for approval of 18 years service benefit in favour of the consenting teachers.

The petitioners submit that the Memo dated 4th March, 2013 does not relate to the 18 years service benefit and, accordingly, the service book of a teacher relating to grant of 18 years service benefit cannot be recasted in terms of the said Memo.

Learned advocate representing the District Primary School council submits that no decision for

recasting has yet been taken by the Chairman of the Council.

It has been submitted that as on date there is no cause of action for filing the instant writ petition.

Upon hearing the parties and on perusal of the materials on record, I am of the opinion that the Chairman of the Council has passed a general direction upon the officers and the Sub Inspectors of Schools to take up the issue of recasting of service book of the teachers, if necessary. No decision has yet been taken either by the officers or the Sub Inspectors of Schools touching the service benefits of any of the writ petitioners. It can always be that the Chairman may revoke/alter or modify the direction passed in the impugned office memorandum.

Till there is a proper cause of action in place, the writ petition cannot be maintainable.

Learned advocate for the petitioners submit that all the petitioners have completed 18 years in service but they are yet to receive the benefit entitled to them on completion of 18 years.

The District Inspector of Schools, Primary Education, Kolkata shall take necessary steps to consider the prayer of the petitioners for grant of 18 years service benefit to them in accordance with law.

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.)