

21.08.2024
Ct. No. 14
Sl. No.53.
KB

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

WPA No.20621 of 2024

**Noor Alam & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta
Mr. Saikat Sutradhar
Mr. Sayan Dey
... For the petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
... For the State.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... For the WBBPE

Receipt showing deposit of deficit Court fees be retained with the records.

The petitioners participated in the recruitment process initiated in the year 2016, but because they were unsuccessful in the TET they were not issued letter of appointment.

Later on in compliance of the order passed by this Court in several matters, the petitioners were awarded six additional marks in the TET examination and were appointed as primary school teachers 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)** and similar orders passed by the Court from time to time.

Though the petitioners were initially not allowed to participate in the recruitment process of the year 2016 on the ground of not qualifying TET but later by virtue of orders passed by this Court, they were declared qualified and finally issued appointment letter in September 2022. Similarly circumstanced candidates have already been issued letter of appointment in the year 2017.

The petitioners pray for notional benefits.

Learned advocate for the petitioners 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 petitioners appear to be standing in the same footing as that of Animesh Karmakar (supra), accordingly, the instant writ petition is disposed of by directing that the service of the petitioners shall be notionally considered from February 2017. Actual financial benefit shall not be payable to the petitioners prior to their date of appointment.

The petitioners shall also be entitled to the notional increments and the length of their service shall be calculated from February 2017.

If any increment has been given to the teachers who joined in February 2017 till September 2022, the same shall be made available to the petitioners prospectively from the date of their joining. The salary

slip and the pay scale of the petitioners shall be revised accordingly.

All arrears from September, 2022 till date shall be paid to the petitioners 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.)