

22.08.2024
Ct. No.14
Sl. No.21
KB

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

**W.P.A 20583 of 2024
Amit Mondal & Ors.**

-versus-

The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee
Mr. Mainak Singha Barma
...For the Petitioners.

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

Ms. Asha Gourisaria Gutgutia
... For NCTE.

Mr. Sirsanya Bandopadhyay, Jr. S.C.
Mrs. Tapati Samanta
... For the State

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

The petitioners are primary school teachers who
were appointed in November 2022 pursuant to the order
passed by the Court on **26th September, 2022** in **WPA
20860 of 2022 (Amit Mondal & Ors.-Vs.- The State of
West Bengal & Ors)**.

The petitioners participated in the recruitment
process of the year 2016 but were issued appointment
letter in November 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 November 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 November, 2022 till date shall be paid to the petitioners within a period of eight weeks from the date of communication of this order.

The instruction forwarded by the Commissioner of School Education signed on 20th August, 2024 be retained with the records.

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.)