

25.04.2024
Court No. 15
Item No. 02
(Suvendu)

W.P.A. 19385 of 2018

Goutam Ghosh
-Versus-

State of West Bengal & Ors.

Mr. S. M. Ali
Mr. Sk. Imtiaj Uddin

...for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag

.....for BMC

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

.....for the State

The affidavit of service filed on behalf of the petitioner is taken on record.

The writ petition is heard on number of occasions and in terms of the order dated 4th April, 2024 a report has been filed by the Assistant Director of School Education, Government of West Bengal in the form of an affidavit affirmed on 23rd April, 2024 and the same is taken on record.

On perusal of the said report, it appears that Bidhannagar Municipal School is neither a Government aided school nor the school authority receives any grant from Bidhannagar Municipal Corporation. It has been stated in paragraph 4 of the said report that the school in question is a self-financed school.

Considering the submissions made on behalf of the petitioner being the husband of the deceased teacher who died-in-harness, this Court was considering to pass necessary direction either upon Bidhannagar Municipal Corporation or upon the concerned authorities of the State Government in the education department to release terminal benefits including gratuity as it has been claimed in the writ petition.

The learned advocate representing the principal of the school submits that since it is a self-financed school the teachers were not getting gratuity on superannuation/ death of the teacher prior to superannuation save and except pension being paid under the contributory provident fund scheme. It is also submitted that in the present case the petitioner is in receipt of family pension as per the prevalent scheme.

However, during course of hearing the learned advocate representing the principal of the said school submits that there was no system as it has been recorded earlier to pay gratuity on superannuation /death of the employees of the school in question prior to superannuation but on and from 2022 a scheme has been introduced by the school authority for releasing gratuity in favour of the employees of the school.

In view of the aforesaid submissions made on behalf of the school authority, the writ petition stands disposed of thereby granting leave to the petitioner to make a representation to the principal of the said school within fortnight from date seeking extension of the scheme relating to payment of gratuity in his favour. If such representation is made within

the aforesaid time, the school authority shall take a decision whether the scheme which has been introduced in the year 2022 for releasing gratuity in favour of the teaching and non-teaching staff of the school in question can be extended in favour of the petitioner or not. The school authority shall take a decision within a period of four weeks from the date of receipt of the said representation and communicate the same to the petitioner within one week thereafter.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)