

**12.12.2024**  
Court No. 18  
Item No. 75 ML  
(**Suwendu**)

**WPA 22313 of 2023**

Anup Kumar Mondal & Ors.

-Versus-

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta

Mr. Saikat Sutradhar

.....for the petitioners

Ms. Koyeli Bhattacharya

Mr. Bibek Dutta

Ms. Keya Panja

.....for the Board

Mr. Biswabrata Basu Mallick, Ld. AGP

....for the State

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

....for the WBCSSC

Learned advocate representing the petitioners submits on instruction that in connection with petitioner no. 1 (Anup Kumar Mondal), let present writ petition be heard expunging names of other two petitioners. However, it is submitted on behalf of the petitioners that leave may be granted which would permit them to file fresh writ petitions on self-same cause of action.

Having considered such submissions made on behalf of the petitioners, present writ

petition is entertained in connection with petitioner no. 1 expunging names of other petitioners.

Department is directed to amend the cause-title of writ petition thereby expunging names of all the petitioners excepting petitioner no. 1.

Leave is granted to other petitioners excluding petitioner no. 1 to file separate writ petitions on self-same cause of action.

On behalf of petitioner no. 1 (hereinafter referred to as “petitioner”) it is submitted by Mr. Dasgupta, learned advocate that petitioner participated in 12<sup>th</sup> RLST, 2011 and at the first instance he was not selected. However, on reassessment of marks in subjects under TET 2011 there was enhancement of marks which made the petitioner eligible to be appointed but there was considerable delay in appointing the petitioner in the post of Assistant Teacher.

On behalf of the petitioners supplementary affidavit has been filed disclosing appointment letter dated 24<sup>th</sup> November, 2023 issued by the Secretary, West Bengal Board of Secondary Education and it is submitted that in terms of the said appointment letter petitioner joined the

post of Assistant Teacher on 10<sup>th</sup> June, 2024. Supplementary affidavit filed on behalf of the petitioner today is taken on record.

In course of submission, reliance is placed on order dated 23<sup>rd</sup> July, 2024 issued by the Principal Secretary, School Education Department, Government of West Bengal, whereby similarly circumstanced candidates were granted notional incremental benefits from November, 2013 though they were appointed after a long period of time. Reliance is also placed on the order dated 4<sup>th</sup> October, 2024 passed by this Court on a writ petition being **WPA 20652 of 2023 (Sourav Naskar Vs. The State of West Bengal & Ors.)**.

On consideration of the issue decided in **Sourav Naskar** (supra), it appears that said order covers the issue involved in this writ petition. Let a copy of the order passed in **Sourav Naskar** (supra) be retained with the record.

Taking note of the decision of the Principal Secretary, School Education Department dated 23<sup>rd</sup> July, 2024 and the order passed in **Sourav Naskar** (Supra), concerned State respondents are directed to grant notional benefits to the

petitioner no. 1 from November, 2013 and fix the pay of the petitioner from the date of his appointment accordingly. For computation of other benefits including pension, date of appointment of petitioner to be reckoned as 1<sup>st</sup> November, 2013. However, petitioner is not entitled to receive monetary benefits from 1<sup>st</sup> November, 2013 till the date of his appointment.

The aforesaid exercise shall be completed by the Commissioner of School Education by eight weeks from the date of communication of this order.

In this regard an order is to be passed by the Commissioner of School Education, to be communicated to the petitioner by two weeks thereafter.

With the aforesaid direction, the writ petition stands disposed of.

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 undertaking.

**(Saugata Bhattacharyya, J.)**

