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01.05.2024

W.P.A. 24433 of 2023

Chayan Thandar
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. Syed Mansur Ali ... For the petitioner.

Ms. Sima Adhikari,
Ms. Kakali Naskar ... For the State.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The petitioner was appointed as a Group – D staff at Guskara Balika Vidyalaya, Ausgram, District – Purba Bardhaman.

The petitioner is alleging that on and from March 12, 2010, he could not attend the said school due to obstruction by some antisocial elements. However, on transfer, he joined in Banagram High School, Nanur, District – Birbhum on October, 2021, but in the said school, he started receiving salary on and from August, 2023, therefore he is praying release of his salaries for the period from March 12, 2010 to July 2023.

It appears from the record that in earlier rounds of litigation, his prayer for payment of arrear salary during his period of absence in his first school was not entertained, as such, he is not entitled to re-agitate the said claim. However, the allegation of non-payment of salary after his transfer to the present school deserves consideration.

The District Inspector of Schools (S.E.), Purba Bardhaman, the respondent no. 3 herein, is therefore directed to consider the entitlement of the petitioner to get the arrear salary for the period from October 2021 to July 2023 and consequent incremental benefits, if any, in accordance with law within a period of eight weeks from the date of communication of this order after giving an opportunity of hearing to the petitioner.

W.P.A. 24433 of 2023 is disposed with the above observation without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)