

14
28.11.2024
Ct. No. 18
adeb

W.P.A. 27710 of 2024

**Mamata Mandal
Vs.
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana
Ms. Sudipta Pramanik
...for the petitioner

Mr. Swapan Banerjee
Mr. Saugata Mitra
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Petitioner was an assistant teacher in Ghasiara Vidyapith (HS), South 24 Parganas for the period from 20th March, 2006 upto 1st August, 2011 and subsequently joined the post of assistant teacher in Jadavpur N.K. Pal Adarsha Shikshayatan, Kolkata on 2nd August, 2011. Previously petitioner filed a writ petition being WPA 22954 of 2022 seeking direction upon the concerned respondent authorities for taking steps to extend benefit of pay protection taking note of petitioner's past service as an assistant teacher in Ghasiara Vidyapith (HS) South 24 Parganas till 1st August, 2011 on forwarding updated service records of the petitioner from first school to second school. Said writ petition was disposed of by order dated 23rd July, 2024 directing the District Inspector of Schools (SE) Kolkata to take steps for

extending the benefit of pay protection to the petitioner within a specified time.

In terms of the said order dated 23rd July, 2024 steps were taken by the first school authority thereby service records of the petitioner were updated and forwarded to the District Inspector of Schools (SE) Kolkata being respondent no. 3 and the said respondent no. 3 took decision on extending the benefit of pay protection to the petitioner as contained in memo dated 23rd September, 2024. It has rightly been decided therein that since pay of the petitioner was upgraded from pass graduate scale to honours graduate scale no further direction is required for granting benefit of pay protection to the petitioner reckoning her past service in Ghasiara Vidyapith (HS) South 24 Parganas.

Today, it has been contended on behalf of the petitioner that in the order dated 23rd September, 2024 it has not been clarified by the respondent no. 3 whether service of the petitioner is to be reckoned from 20th March, 2006 when petitioner was appointed in Ghasiara Vidyapith (HS) South 24 Parganas or not. If such clarification is not made petitioner will suffer while calculating benefits relating to pension and other dues in future.

In view of the order passed by respondent no. 3 as it appears from memo dated 23rd September, 2024 and taking note of the submission made on behalf of the petitioner it appears that memo dated 23rd September, 2024 requires clarification in order to ensure grant of service benefits

including retiral dues reckoning past service of the petitioner from 20th March, 2006.

Accordingly, it is clarified that while calculating service benefits including retiral dues petitioner is entitled to receive such benefits in consideration of his past service from 20th March, 2006 which she rendered in Ghasiara Vidyapith (HS) South 24 Parganas till 1st August, 2011 prior to joining in the present school on 2nd August, 2011.

Writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)