

12.12.2024
Court No. 18
Item No. 10
(Suvendu)

WPA 28343 of 2024

Debajyoti Maity
-Versus-

State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Ms. Rama Haldar
Mr. S.K. Santra
.....for the petitioner

Mr. Kunal Ganguly
.....for the Board

Mr. Biswabrata Basu Mallick, Ld. AGP
Mr. Sayak Chakraborty
....for the State

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

This order is passed in presence of learned
advocates representing the petitioner, West
Bengal Board of Secondary Education and State
respondents.

Petitioner though participated in 12th
RLST, 2011 but contemporaneously could not be
appointed in the post of Assistant Teacher and
after a long period of time petitioner was
appointed on and from 1st December, 2023.

In reference to order dated 23rd July, 2024
issued by the Principal Secretary, School

Education Department, Government of West Bengal, it has been submitted on behalf of the petitioner that though recommendation was made in favour of the petitioner for appointment by the West Bengal Regional School Service Commission belatedly since petitioner was subsequently found to be eligible to be appointed in the post of Assistant Teacher; if petitioner is not entitled to receive actual service benefits from November, 2013 being the date of first counseling in connection with 12th RLST, 2011, petitioner is eligible to be granted at least notional benefits from November, 2013 which should not be confined to incremental benefits only as it has been allowed by the Principal Secretary, School Education Department vide order dated 23rd July, 2024.

It needs to be recorded herein that vide order dated 23rd July, 2024, Principal Secretary, School Education Department has already granted notional incremental benefits to the candidates with effect from November, 2013.

In support of case made out in this writ petition, reliance is placed on the order passed by this Court dated 4th October, 2024 in the writ

petition being **WPA 20652 of 2023 (Sourav Naskar Vs. The State of West Bengal & Ors.)**

Having considered the issue involved in this writ petition, it is found that the order passed in **Sourav Naskar** (supra) covers the present issue. Let an order passed in **Sourav Naskar** (supra) be retained with the record.

Hence, the concerned State respondents are directed to grant notional benefits to the petitioner 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 1st November, 2013. However, petitioner is not entitled to receive monetary benefits from 1st 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.)