

11-07-2024
ct no. 13
Sl. 43
sp

WPA 27622 of 2023
Animesh Karmakar
-Versus-

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Mr. Saikat Sutradhar

..for the petitioners

Mr. Saikat Banerjee,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

..for the WBBPE

1. Despite service, State is not represented.
2. Affidavit of service filed in Court today is taken on record.
3. The petitioner joined service, after being issued a letter of appointment for the recruitment process of the year 2016 pursuant to orders dated 5th September, 2022 passed by a Co-ordinate bench of this Court in WPA 5505 of 2022. His service took effect from September, 2022.
4. Within a year of joining, the petitioner addressed the representation to the Commissioner of School Education that he should get the notional benefit of service from the year 2017 when other candidates of the recruitment process of the year 2016 were appointed.
5. Having regard to the facts and circumstances of the case and considering the fact that a Co-

ordinate bench had found error on the part of the DPSC concerned, in delaying the appointment of the petitioner, the service of the petitioner shall be notionally considered from February, 2017. There shall be no financial benefits payable to the petitioner from February, 2017 till 27th September, 2022. The petitioner shall, however, be entitled to notional increments and any revision as also length of service from February, 2017.

6. If there were any increments given to the teachers who joined on February, 2017 till September, 2022, the same shall be made available to the petitioner prospectively from the date of his joining. Let the salary slip and pay scale be revised accordingly.
7. Let arrears from September, 2022 till date be paid to the petitioner, within a period of 2 months from date.
8. With the aforesaid observations, the instant writ petition shall stand disposed of.
9. There shall be no order as to costs.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)