

31.07.2024
Sl. No.74
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27897 of 2023

Shova Sardar
Vs.
Union of India & Ors.

Mr. Sudipta Dasgupta,
Ms. Sinjini Chakraborti,
Mr. Baibhav Roy
.....for the petitioner.

Mr. Swapan Kumar Nandi,
Ms. Banani Bhattacharya
.....for the respondent nos.1 and 2.

Mr. Somnath Ganguli,
Mr. Balarko Sen
.....for the State.

Mr. Arjun Ray Mukherjee,
Ms. Saheli Mukherjee
.....for the respondent no.5.

Report in the form of an affidavit on behalf of the respondent no.5 filed in Court today is taken on record.

The other respondents despite being given repeated opportunities did not file any report.

The matter, therefor, is taken up in the absence of any report by the other respondents except the respondent no.5.

It is submitted by the respondent no.5 that Nalgoradham Baikuntha Vidyapith (HS) is one of the schools that has been set up or established under the Kasturba Gandhi Balika Vidyalaya (in short, KGBV)

scheme. 60% of the finance required for the scheme to remain operational is provided by the Central Government while 40% is provided by the State Government in each year. In West Bengal the schools under KGBV scheme is operated through Paschim Banga Samagra Shiksha Mission (in short PBSSM). Considering the fund requirement, taking into consideration all employees and persons engaged under the KGBV scheme, a consolidated budget is prepared every year by Sarva Shiksha Mission. This budget is placed before the Project Approval Board (PAB) under the Ministry of School Education and Literacy, Government of India through the State Government. The said PAB approves the proposed budget submitted by the State Government and from such sanctioned fund the payment of the employees and staff under KGBV scheme are paid. The entire budget for the year 2024-2025 had been placed before the said PAB and has been duly approved. There is as such no scope for revisiting the enhancement claimed by the petitioners within the present financial year, though the petitioner is entitled to get the enhanced amount.

On behalf of the petitioner, it is submitted that the operational guideline for running girls hostel for students of Secondary and Higher Secondary schools

provides for paying the petitioner the enhanced amount. PBSSM by a memo dated 31st July, 2023 has fixed the petitioner's remuneration at Rs.5100/- being a warden in an unit with 50 or more students. The petitioner is getting only Rs.4500/-. As per such budgetary proposal which was proposed after 31st July, 2023 the petitioner though has been recommended for receiving Rs.5,100/- remuneration per month is actually getting Rs.4,500/- per month for no fault on the part of the petitioner.

The remuneration as appears can be increased only after additional funds are approved by PAB.

On the other hand, it is submitted by Union of India that funds will be released immediately upon a demand being raised by the State Government in terms of the guideline for implementation of KGBV. No demand for additional amount has yet been made.

After hearing the parties and considering the materials on record, I find that amidst the tug of war between the State Government and the Central Government it is the petitioner who is made to suffer.

In the aforesaid facts and circumstances, I direct PBSSM (respondent no. 4) to place a proposal computed on the basis of the present staff strength and the amount of salary/daily wages to be paid to the employees and staff like the petitioner at the

present. The entire exercise should be completed by the respondent nos.3, 4, 5 and 6 within two months from date.

The PAB on receiving such demand shall process the same and approve the requisite amount. The concerned Ministry of respondent no. 1 shall immediately on approval by PAB shall make payment of the additional fund.

The other respondents shall render all cooperation for preparation of proposal.

The petitioner is presently receiving Rs.4,500/- per month as her remuneration. The petitioner shall be paid the enhanced remuneration immediately on the funds being made available along with the arrear amount computed from August, 2023.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)