

Item No.102

24.07.2024
Ct-14
AGM

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 28334 of 2023

Sumitra Saha & Ors.
v.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta.
Mr. Saikat Sutradhar.
... for the petitioners.

Mr. Kaushik Chowdhrry.
... for the WBBPE.

Mr. Bhaskar Prasad Vaisya.
Mr. Suman Dey.
... for the DPSC, Bankura.

Receipt showing deficit Court fees be retained with
the records.

The petitioners are primary school teachers who
were appointed in September 2022 pursuant to the
order passed by the Court on **5th September, 2022** in
**WPA 5505 of 2022 (Soham Roy Choudhury & Ors -
Vs.- The State of West Bengal & Ors)**.

While disposing of the earlier writ petition, the
Court specifically recorded that the petitioners were
deprived because of the Board's fault. Valuable six years
of the petitioners ought not to be wasted for the fault of
the Board.

The petitioners participated in the recruitment
process of the year 2016 but were issued appointment
letter in September 2022. Similarly circumstanced

candidates have already been issued letter of appointment in the year 2017.

The petitioners pray for notional benefits.

A supplementary affidavit by the petitioners has been filed wherefrom it appears that representation was filed by the petitioners for grant of notional benefit in November, 2023. No steps have been taken for consideration of the same till date.

Learned advocate for the petitioners relies upon the order passed by a Coordinate Bench of this Court on **11th July, 2024** in **WPA 27622 of 2023 (Animesh Karmakar -Vs- The State of West Bengal & Ors)** wherein under similar circumstances the Court directed the service of the petitioner to be notionally considered from February 2017. Direction has been passed for payment of notional increments and any revision as also the length of service from February 2017.

As the petitioners appear to be standing in the same footing as that of Animesh Karmakar (supra), accordingly, the instant writ petition is disposed of by directing that the service of the petitioners shall be notionally considered from February 2017. Actual financial benefit shall not be payable to the petitioners prior to their date of appointment.

The petitioners shall also be entitled to the notional increments and the length of their service shall be calculated from February 2017.

If any increment has been given to the teachers who joined in February 2017 till September 2022, the same shall be made available to the petitioners prospectively from the date of their joining. The salary slip and the pay scale of the petitioners shall be revised accordingly.

All arrears from September, 2022 till date shall be paid to the petitioners within a period of eight weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)