

Item No.14
10.06.2024
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 1037 of 2024

Sri Ashim Goswami
VS
The State of West Bengal & Ors.

*Mr. Bikramjit Ghosh,
Mr. Debasish Mukhopadhyay*

...for the Petitioner.

*Mr. Nabankur Paul,
Mr. Sandip Guha Roy*

...for the State.

1. Affidavit-of-service filed in Court today, be kept with the record.
2. The petitioner retired as an assistant teacher from Amguri Ram Mohan High School. Prior to his retirement, he was asked to refund some money on the ground of over payment. The petitioner paid the amount and his retirement benefits were accordingly disbursed as per the calculation made by the respondents. Subsequent thereto, the petitioner alleges to have detected some miscalculation in the amount demanded by the authorities as refund on account of over payment. The petitioner approached the head master by filing a representation and pointing out the

miscalculation. The petitioner prayed for refund of the amount of Rs.2,27,428/-.

3. Mr. Paul, learned advocate appearing on behalf of the State respondents submits that the petitioner was initially appointed as an assistant teacher. Then he was appointed as an assistant headmaster. Again he joined the post of assistant teacher on his own prayer for regular transfer as an assistant teacher. Thus, the amount which was paid to the petitioner while discharging his duties as an assistant headmaster even later on, was claimed on account of over payment. The petitioner had stopped discharging his functions as an assistant headmaster upon seeking transfer as an assistant teacher, but payment was made at a higher scale..
4. It appears from the representation that the petitioner has given the entire calculation of the salary paid for the period when he was serving as an assistant teacher and then as an assistant headmaster in Gossairhat Raja Mohan High School and thereafter upon his transfer as assistant teacher to Amgri Ram Mohan High School. The said calculations are available at Pages 38 to 41 of the writ petition.
5. These are questions of facts which this Court is not in a position to decide. These issues have to be decided on the records available with the

authorities and matched with the petitioner's calculation.

6. Under such circumstance, the writ petition is disposed of with a direction upon the District Inspector of Schools, Secondary Education, Jalpaiguri, that is the respondent no.3 to ensure that the headmaster of Amguri Ram Mohan High School recalculates the amount demanded from the petitioner upon taking into consideration the specific contention and arithmetical calculations made by the petitioner in the representation dated March 7, 2024 within two months from communication of this order. While doing so, the headmaster is required to call the petitioner for a hearing and allow the petitioner to place his case with available evidence.
7. Upon completion of the process and recalculation, the headmaster shall file a report before the District Inspector of Schools, Secondary Education, Jalpaiguri within two months from the date of communication of this order. If it is found that the petitioner's calculation is correct, necessary orders shall be passed and steps shall be taken in accordance with law. Needless to mention, that if it is found that the petitioner's calculation is incorrect and the earlier demand was rightly made, the reasons shall be supplied to the petitioner. On

the basis of the report, the District Inspector of Schools, Secondary Education, Jalpaiguri shall pass necessary orders and take necessary steps in accordance with law, within a month from receipt thereof.

8. Accordingly, the writ petition is disposed of.
9. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)