

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

1Ml- 10.07.2025
1532 Ct.18
rkd Judgment

W.P.A. 1227 of 2024

Purabi Bera Kandar

-vs-

The State of West Bengal & Ors.

Mr. Shamim ul Bari,
Ms. Jhilik Singha,
Ms. Asmita Mitra

....for the petitioners.

Ms. Sulagna Bhattacharya,
Ms. Oindrila Chatterjee

....for the State.

Mr. Gourav Das,

....for the DPSC, South 24 Parganas.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner was initially appointed as primary teacher on 22nd February, 2012. Subsequently, service of the petitioner was terminated with effect from 1st August, 2016 vide memo dated 27th July, 2016 issued by the Chairman, District Primary School Council, South 24 Parganas in order to accommodate some other candidates.
3. Memo dated 27th July, 2016 was questioned by the petitioner in the writ petition being WPA 14970 of 2016 which was disposed of by a coordinate Bench vide order dated 24th December, 2019.
4. Placing reliance on judgment dated 29th June, 2017

passed on three writ petitions first one being WPA 4596 of 2017 (*Md. Alauddin Molla & Ors. v. The State of West Bengal & Ors.*) coordinate Bench directed the respondents to reinstate the petitioner and give similar benefits in terms of the observations made in *Md. Alauddin Molla* (supra).

5. In terms of the order dated 24th December, 2019 petitioner was appointed vide memo dated 8th July, 2020 issued by the Chairman, South 24 Parganas District Primary School Council and petitioner joined the post of primary teacher on 10th July, 2020. Petitioner prays for notional benefits for the period from 1st August, 2016 till 9th July, 2020.
6. State respondents and District Primary School Council, South 24 Parganas are represented by learned advocates who have opposed the prayer of the petitioner and it is also pointed out that petitioner has prayed for release of arrear salary.
7. It is submitted that petitioner did not discharge duty for the period from 1st August, 2016 to 9th July, 2020. Therefore, she is not entitled to receive arrear salary.
8. On query being posed to the learned advocate representing the petitioner it is submitted that after resumption of duty by the petitioner on 10th July, 2020 her pay was fixed reckoning her past service

with effect from 22nd February, 2012.

9. Since fixation of pay of the petitioner is made on resumption of duty on 10th July, 2020 taking into account her past service from 22nd February, 2012 no further direction is required for granting notional benefits in favour of the petitioner.
10. However, it is clarified that for all purposes service of the petitioner shall be reckoned from 22nd February, 2012 including calculation of pension.
11. However, petitioner is not entitled to receive arrear salary for the period from 1st August, 2016 till 9th July, 2020.
12. The writ petition stands disposed of.
13. However, there shall be no order as to costs.
14. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)