

08 17.02.2025
rkd Ct.18

W.P.A. 2043 of 2025

Md. Shafi Alam

-vs-

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Md. Gautam Tahkur,
Md. Nure Zaman,
Mr. Somen Bose,
Mr. Gautam Banerjee,
Ms. Ameena Kabirm
Ms. Paromita Pal

....for the petitioner.

Mr. Himadri Sikhar Chakraborty,
Ms. Susnita Saha

....for the State.

Ms. Koyeli Bhattacharrya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Petitioner by presenting this writ petition
has questioned memo dated 16th March, 2017
passed by the District Inspector of Schools (SE),
Uttar Dinajpur being respondent no.4 whereby
prayer of the petitioner to grant service benefits
based on petitioner's participation in the interview
on 27th August, 1989 from 1st January, 1990 was
turned down.

It has been argued on behalf of the
petitioner that though petitioner was granted

approval and joined the post with effect from 24th August, 2000 and retired on superannuation on 30th September, 2015 but petitioner was selected for the post based on his participation in the interview which was held in the month of August, 1989. Service benefits should be accorded from 1st September, 1990 or otherwise notional benefits should be granted in favour of the petitioner.

The writ petition is opposed by the learned advocate representing the State respondents since order of the District Inspector of Schools dated 16th March, 2017 is challenged by presenting a writ petition on 24th January, 2025 precisely after eight years.

Having considered the submissions made on behalf of the parties and taking note of the materials available on record, it appears that petitioner participated in a selection process on 27th August, 1989 but contemporaneously he was not selected for appointment. However, in terms of the order of the concerned District Inspector of Schools dated 4th August, 2000 approval was granted in favour of the petitioner and he joined the post on 24th August, 2000.

Petitioner worked till 30th September, 2015 and thereafter superannuated. At present petitioner

is in receipt of retiral dues. Order passed by the respondent no.4 on 4th August, 2000 was accepted by the petitioner and joined the post on 24th August, 2000. In the said order respondent no.4 did not grant service benefits/notional benefits in favour of the petitioner with effect from 1st January, 1990. Subsequently, on superannuation on 30th September, 2015 petitioner accepted retiral dues.

Meanwhile an order was passed by a coordinate Bench on 23rd November, 2015 on a writ petition being WPA 15352 of 2009 preferred by the petitioner claiming benefits from earlier date prior to his appointment on 24th August, 2000. Such writ petition was disposed of vide order dated 23rd November, 2015 directing the concerned respondent authority to take decision. Respondent no.4 vide order dated 16th March, 2017 rejected the prayer of the petitioner to grant benefits from January, 1990.

Since petitioner accepted the decision of the respondent no.4 dated 4th August, 2000 and joined the post on 24th August, 2000 and retired on superannuation on 30th September, 2015 at this belated stage petitioner's claim for service benefits from January, 1990 ought not to be allowed.

Moreover, respondent no.4 refused the

prayer of the petitioner by order dated 16th March, 2017 which has been challenged precisely after eight years by presenting this writ petition on 24th January, 2025. It is settled that ordinarily aggrieved person should approach the writ Court within three years from the date of accrual of cause of action.

In view of aforesaid discussion, no relief can be granted to the petitioner at this stage.

Hence, the writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)