

14 05.03.2025
rkd Ct.18

W.P.A. 3766 of 2025

Dipak Biswas & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das

....for the petitioners.

Mr. Santanu Kumar Mitra,

....for the State.

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

Petitioners are working in the post of
Assistant Teacher in same school, who have jointly
filed the present writ petition ventilating their
grievance that they were not allowed yearly
incremental benefits being trained teacher on and
from fifth year of their services considering their
respective dates of appointments.

It is submitted by the learned advocate
representing the petitioners that in the meantime
they have obtained training qualification and after
acquiring training qualification incremental
benefits have been revived but from the fourth year
of their respective services till acquiring training
qualification incremental benefits for training
qualification were stopped.

It is further submitted on behalf of the petitioners that there is no fault on their part in acquiring training qualification belatedly since requisite permissions were not accorded to them as they were initially appointed against additional post.

It is submitted if a teacher is appointed on additional post till retention of such post said teacher is not deputed for undergoing training course in order to obtain training qualification.

Therefore, according to the petitioners delay in obtaining training qualification is not attributable to them; rather it was for their appointment against additional post delay occurred.

State respondents are represented by learned advocate who has submitted that since the petitioners failed to obtain training qualification within the specified period of five years from the respective dates of their appointments incremental benefits had to be stopped.

Having considered the respective submissions made on behalf of the parties, this Court finds no useful purpose will be subserved in keeping this writ petition pending.

Petitioners are granted leave to make

representations separately to the Commissioner of School Education, West Bengal being respondent no.2 by fortnight from date claiming sanction of incremental benefits for training qualification which were not accorded to them during particular period.

If such representations are made within the aforesaid time, respondent no.2 is directed to consider the same and pass reasoned orders within twelve weeks thereafter after granting opportunity of hearing to the petitioners and school authority or their representatives.

The decision to be taken by the respondent no.2 shall be communicated to the petitioners by ten days thereafter.

With the aforesaid observations and directions the writ petition is disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)