

09.01.2025.  
PB  
Sl. No.23.  
Ct. No.25.

**WPA 4642 of 2021**

Samik Kumar Pal  
Vs.  
The State of West Bengal & Ors.

Mr. Ekramul Bari,  
Mr. Sk. Imtiaj Uddin.  
.....for the petitioner.

Mr. Biswabrata Basu Mallick,  
Mr. Biman Halder  
.....for the State.

The affidavit of service filed in Court today is taken on record.

The petitioner's grievance is that in spite of his giving declaration upon being elected as the Panchayat Samiti Member that he would not enjoy the honorarium of the elected Panchayat Samiti Member, but would draw the salary as Assistant Teacher of the respondent school and the petitioner having submitted a representation dated March 20, 2015, to the school authority, no steps have been taken in this regard as yet by the school or the District Inspector of Schools (S.E.), Bankura.

Learned advocate for the petitioner has relied on the amended provision of the West Bengal Panchayat Act, 2014, which is as follows:-

“In sub-section (1) of section 143 of the principal Act, after the second proviso, the following proviso shall be inserted:-

Provided also that after being elected to an office of a full time office bearer, he shall be allowed lien or leave of absence from the place of his employment for his full tenure in such office with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit.”

According to him, the petitioner would be eligible for grant of pay during the period of his absence from the school for being elected as the member of Panchayat Samiti in terms of the said Rules. Hence, his application as mentioned above, should have been allowed by the respondent authority.

He has also submitted that the extraordinary leave for the petitioner has been sanctioned by the said District Inspector of Schools (S.E.), Bankura, vide order dated November 19, 2013.

Mr. Basu Mallick, learned advocate representing the respondent State. He would suggest that the petitioner if applies before the District Inspector of Schools (S.E.), Bankura, the said authority may be directed to consider his application.

Heard submissions. Perused the documents on records.

The writ petitioner, who is the Assistant Teacher of the respondent school and was elected as the Panchayat Samiti Member and Saha Sabhapati of

Bishnupur Panchayat Samiti on September 2, 2013, has stated to have rendered whole-time service to the Panchayat Samiti during the period he has granted extraordinary leave by the District Inspector of Schools (S.E.), Bankura, vide order as mentioned above.

Now, the writ petitioner has prayed for grant of salary to him for the period from September 2, 2013, to September 1, 2018, that is during the period when he was engaged in Panchayat Samiti as Saha Sabhapati.

Let this writ petition be disposed of with the direction upon the petitioner to submit a comprehensive representation containing his grievance and prayer, before the respondent District Inspector of Schools (S.E.), Bankura/respondent no.3.

Let the said respondent no.3 decide and dispose of the prayer of the petitioner, if submitted, within a period of four weeks from the date of submission of representation before his office.

In doing so, the said respondent may grant an opportunity of hearing to the petitioner and consider relevant documents and dispose of his prayer, by dint of his order with reasons, if not, the prayer of the petitioner is allowed by him.

The writ petition is disposed of.

Since no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.

Urgent certified photocopy of this order, if applied for, shall be provided to the parties, upon compliance of all necessary formalities.

**(Rai Chattopadhyay, J.)**