

14 19.03.2025
rkd Ct.18

W.P.A. 4684 of 2025

Bimalendu Bhattacharyya

-vs-

The State of West Bengal & Ors.

Md. Mojnu Sk.

....for the petitioner.

Mr. Sipra Mazumdar,

Ms. Somashree Dey

....for the State.

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

Petitioner has questioned withholding of
incremental benefits in terms of the order dated
11th September, 2014 issued by the Deputy
Secretary, West Bengal Council of Higher
Secondary Education.

It is submitted that in terms of the said
order dated 11th September, 2014 authority of
Digra Mallick Hati Deshbandhu Vidyapith, Hooghly
withheld incremental benefits of the petitioner and
necessary endorsement was made in his service
book.

Petitioner has prayed for correction of
service book thereby releasing increment for the
year 2015-2016. It is also submitted that petitioner
retired on superannuation on 30th April, 2024 and
has received all retiral dues including pension.

State respondents are represented by

learned advocates.

On perusal of the order dated 11th September, 2014 issued by the Deputy Secretary, West Bengal Council of Higher Secondary Education it transpires that the petitioner failed to cooperate with the Council in evaluating answer scripts of Higher Secondary Examination, 2014 though he was appointed as Examiner of Higher Secondary Examination, 2014. Therefore, the school authority was directed to stop yearly incremental benefits as per Government Order dated 3rd November, 2000 since evaluation of answer scripts was declared obligatory and compulsory for all teaching staff of higher secondary school.

Pursuant to such order dated 11th September, 2014 of the Deputy Secretary school authority stopped incremental benefits for the year 2015-2016 by making necessary endorsement in the service book of the petitioner. Such steps taken by the Council as well as the school authority are questioned in the present writ petition.

However, it appears that the decision was taken by the Deputy Secretary of the Council on 11th September, 2014 based on which school authority stopped incremental benefits for the year

2015-2016 and the writ petition has been filed on 25th February, 2025 precisely ten years after accrual of cause of action.

Meanwhile, petitioner has retired from service on 30th April, 2024 and received all service benefits. It was open to the petitioner to question the steps taken by the respondent authorities based on order dated 11th September, 2014 passed by the Deputy Secretary within a reasonable period of three years which petitioner chose not to do.

Moreover, it is found that petitioner refused to evaluate answer scripts of Higher Secondary Examination, 2014 which was found to be obligatory and compulsory so far petitioner is concerned being a teacher of higher secondary school.

Hence, no relief can be granted to the petitioner at this belated stage.

The writ petition stands dismissed.

However, 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.)