

05.05.2025
Court No. 18
Item No. 15
(Suvendu)

WPA 8901 of 2025

Kamakshya Prasad Bhattacharjee

-Versus-

The State of West Bengal & Ors.

Mr. Rabi Ghosh

Mr. Uttam Banerjee

Mr. Arunesh Pathak

.....for the petitioner

Mr. Biswabrata Basu Mallick, Ld. AGP

Mr. Biman Halder

.....for the State

Matter is heard in presence of learned advocates representing the petitioner and State respondents.

Petitioner was an Assistant Teacher of a Government aided school and he was appointed as an approved teacher on 6th March, 1975. Petitioner has prayed for upgradation of his pay with effect from 1st August, 1998.

Such prayer made on behalf of the petitioner is opposed by the learned Additional Government Pleader representing State respondents on the ground of delay since petitioner retired on superannuation on 31st December, 2008.

Nothing is forthcoming that petitioner during his tenure applied before the concerned

respondent authorities for upgradation of pay barring one memo dated 2nd February, 2018 issued by the District Inspector of Schools (SE), Barrackpore, North 24 Parganas whereby concerned school authority was directed to submit necessary documents within certain time in connection with an enquiry regarding pay protection in favour of the petitioner. If such memo is taken into consideration which was issued on 2nd February, 2018 in that event also it appears that present petition has been filed belatedly on 21st April, 2025, after seven years.

Petitioner retired on superannuation on 31st December, 2008 and writ petition has been filed on 21st April, 2025 seeking to upgrade his pay by giving pay protection.

It is trite law that though there is no limitation in filing writ petition but same needs to be filed within a reasonable time that is three years.

In view of aforesaid situation, no relief can be granted to the petitioner at this belated stage and writ petition stands dismissed.

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

(Saugata Bhattacharyya, J.)

