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21.5.2025
Ct. No. 8
SB

FMA 600 of 2025
CAN 1 of 2024

Debabrata Chanda
Vs.
The State of West Bengal & Ors.

Mr. Piush Chaturbedi, Sr. Adv.
Mr. B. Tripathy ... for the appellant

Mr. Wasim Ahmed
Mr. M. Shehabuddin ... for the State

Mr. Kunal Ganguly ... for the Board.

1. The appeal is arising out of an order dated 05.2.2024 in a writ petition in which the prayer of the writ petitioner for release of salary for the period he served as a headmaster of the school concerned.
2. The opposition to such prayer with regard to the validity of his PG and B-Ed Degrees. It appears that on 23.8.2021 the D.I. (S.E.) South 24 Parganas has expressed his inability to decide in favour of the writ petitioner regarding sanction of salary for the post of headmaster unless the appropriate authority decides whether his PG and B-Ed Degrees are recognized by the UGC and NCTE respectively. Till this date no decision has been taken by the authorities concerned whereas the writ petitioner discharged his function as a headmaster. In fact, the writ petitioner joined Utter Kasiabad Srikrishna Chaitanya Madhyamik Vidyalaya, P.S. Dholahat, District – South 24 Parganas as headmaster on 07.2.2020 by taking lien for one year. The record would show that he discharged his function. However, his salary for the said post was withheld due to lack of

approval of appointment as headmaster. The writ petitioner is noway responsible for it.

3. In view of the fact that he discharged his function either in the capacity of headmaster or assistant teacher as the case may be, his salary has to be released for the period he worked in the said school.
4. Mr. Chaturbedi, learned senior counsel appearing on behalf of the appellant has submitted that the petitioner is willing to accept the salary of an assistant teacher till the validity of the said certificate is decided by the authority.
5. The authorities concerned are directed to release the arrear salaries for the period he discharged his function in the aforesaid school as assistant teacher within four weeks from date. The authorities are directed to decide the validity of the certificates the reason for which the approval for the headmaster was withheld within eight weeks from the date of communication of this order.
6. It is also pertinent to mention that the Chairman, West Bengal Central School Service Commission has recommended the writ petitioner for the post of headmaster on 17.01.2020 and it shall be *prima facie* presumed that the Chairman was satisfied with the credentials of the writ petitioner before such recommendation was made.
7. In the event it is found the documents submitted by the writ petitioner with regard to his PG and B-Ed Degrees are recognized by the UGC and NCTE respectively and those qualifications are required for the post of headmaster the differential amount should be released within four weeks thereafter.

8. With the aforesaid directions, the appeal and application are disposed of.

(Soumen Sen, J.)

(Smita Das De, J)