

26.06.2025
Court No. 18
Item No. 29
(Suvendu)

WPA 12630 of 2025

Mobarak Hossain
-Versus-

The State of West Bengal & Ors.

Mr. Ali Ahsan ALamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak
.....for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya
.....for the State

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
....for the WBBPE

Mr. Arindam Chattopadhyay
.....for the DPSC, Nadia

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

2) By presenting this writ petition, petitioner has prayed for grant of notional benefits from February, 2017 though petitioner was appointed as a primary teacher in October, 2021 on being selected in 2016 selection process conducted by the concerned respondent authority. In support of such claim, reliance is placed on the order passed by a Coordinate Bench dated 24th July, 2024 in a writ petition being WPA 28334 of 2023 (Sumitra Saha &

Ors. Vs. The State of West Bengal & Ors.) wherein Coordinate Bench directed respondent authorities to grant notional benefits to the petitioners in that writ petition from February, 2017 though petitioners were appointed in September, 2022.

3) According to the petitioner in the present case, he is similarly circumstanced like the petitioners in WPA 28334 of 2023. On being selected in 2016 selection process petitioner was not appointed within reasonable time and subsequently it was decided that petitioner was entitled to receive six marks in TET, 2014. Accordingly petitioner was awarded six marks in TET, 2014 which brought the petitioner within the zone of consideration. At the time of adjudging to be an eligible candidate for being appointed as primary teacher there was expiry of considerable period of time which triggered the present writ petition claiming notional benefits from 2017 as it has been granted to other similarly circumstanced candidates. In support of such claim, memo dated 28th April, 2025 issued by the Secretary, District Primary School Council, Murshidabad is also placed wherefrom it appears that similar benefit was granted to other primary teachers.

4) In consideration of aforesaid scenario, this Court finds that there is no impediment in giving

direction upon the concerned respondent authorities to give notional benefit to the petitioner from February, 2017. Accordingly, concerned respondent authorities are directed to fix pay of the petitioner granting notional benefit from February, 2017. On upward fixation of pay of the petitioner by granting notional benefits payment shall be made from the date of appointment of the petitioner. It is clarified that petitioner is not entitled to get monetary benefit from February, 2017. The Commissioner of School Education is directed to pass formal order on completion of aforesaid exercise within a period of twelve weeks from date of communication of this order.

- 5) Writ petition stands disposed of.
- 6) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)