

14.07.2025
Court No. 18
Item No. 18
(Suvendu)

WPA 12827 of 2025

Jayanta Mandal
-Versus-

The State of West Bengal & Ors.

Mr. Sarajit Sen
Mr. Mrinal Kanti Sardar
Mr. Pradip Kumar Ghosh
....for the petitioner

Mr. Biswabrata Basu Mallick, Ld. AGP
Ms. Parna Roy Choudhury
....for the State

Mr. Sakti Pada Jana
...for the School Authority

Ms. Koyeli Bhattacharya
Mr. Bibek Dutta
.....for the WBCSSC

1) Petitioner is an Assistant Teacher in Sonarpur Vidyapith (HS), South 24 Parganas who was placed under deemed suspension with effect from 9th April, 2020 vide order dated 9th September, 2024 issued by the President, Ad-hoc Committee, West Bengal Board of Secondary Education. It is submitted that in connection with a criminal case initiated based on FIR No. 322 of 2020 lodged in Sonarpur Police Station petitioner was in custody from 9th April, 2020 till 6th May, 2020.

2) Grievance of the petitioner is though he was placed under suspension vide order dated 9th September, 2024 but he is not receiving subsistence allowance.

3) Learned advocate representing Sonarpur Vidyapith (HS), South 24 Parganas submits that after issuance of suspension order on 9th September, 2024 regularly bills are being raised and those bills are being submitted in the office of respondent no. 4, therefore, it is the duty of respondent no. 4 to take steps to release subsistence allowance.

4) On behalf of State respondents a communication vide memo dated 9th July, 2024 is placed before this Court and same is taken on record. In addition thereto, it is submitted by Mr. Basu Mallick, learned Additional Government Pleader that though petitioner was placed under suspension with effect from 9th April, 2020 vide order dated 9th September, 2024 he received salary for a considerable period of time. During the period when petitioner was paid salary from 9th April, 2020 onwards, he was only entitled to receive subsistence allowance not salary.

5) Having considered the respective submissions made on behalf of the parties,

Court finds once suspension order was issued by the President of the Board against the petitioner, he is entitled to receive subsistence allowance during the period when incumbent is placed under suspension. In the present case, since petitioner was placed under deemed suspension with effect from 9th April, 2020, adjusting salary which was paid from 9th April, 2020 onwards respondent no. 4 is directed to release subsistence allowance to the petitioner within a period of four weeks from the date of communication of his order by completing necessary calculations. Petitioner is also entitled to get current subsistence allowance till suspension order is lifted.

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

(Saugata Bhattacharyya, J.)