

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 14053 OF 2025

**SRI ASIT RANJAN GAYEN & ANOTHER
VS.
THE STATE OF WEST BENGAL & OTHERS**

Mr. Arabinda Chatterjee, Sr. Adv.
Mr. K.K. Chakrabarti, Adv.
Mrs. Srijani Das, Adv.

...for the Petitioners

Mr. Biswabrata Basu Mallick, AGP
Ms. Pratiti Das, Adv.

...for the State

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Petitioners being organizing teachers in upgraded section of a recognized school were granted approval of appointment *vide* memo dated 19th December, 2023 issued by the District Inspector of Schools (S.E.), Paschim Medinipur. Petitioner no.1 was granted approval of appointment with effect from 1st September, 2023 with notional benefits from 1st January, 1999 being the date of upgradation of the school. Petitioner no.2 was granted approval also with effect from 1st September, 2023 with notional benefits from the same date, i.e., 1st January, 1999.
3. Mr. Chatterjee, learned Senior Advocate representing the petitioners submits that petitioner no.1 retired on superannuation on 31st October, 2024 whereas

petitioner no.2 retired on 31st December, 2023. Both the petitioners made representations addressed to the Secretary, School Education Department, Government of West Bengal for grant of monetary benefits from the date, i.e., 1st January, 1999 when school was upgraded. Both the representations were made on 6th March, 2025.

4. State respondents are represented by Mr. Basu Mallick, learned Additional Government Pleader, who has filed a report signed by the District Inspector of Schools (S.E.), Paschim Medinipur on 15th July, 2025 and same is taken on record.
5. It is submitted on behalf of the State respondents that in terms of the judgment dated 1st September, 2023 passed on an *intra-court* appeal being *FMA 992 of 2021 (Asit Ranjan Gayen & Ors. vs. State of West Bengal & Ors.)* approval was accorded in favour of the petitioners with notional benefits from the date of upgradation of the school. Petitioners accepted approval which was accorded *vide* memo dated 19th December, 2023 and judgment dated 1st September, 2023 attained finality. Therefore, at this stage approval memo dated 19th December, 2023 needs not to be modified.

6. Having considered the respective submissions made on behalf of the parties, writ petition stands disposed of directing The Principal Secretary, School Education Department, Government of West Bengal being respondent no.2 to decide the representations of the petitioners dated 6th March, 2025 within a period of eight (8) weeks from the date of communication of this order. Respondent no.2 shall pass a reasoned order and same shall be communicated to the petitioners by fortnight thereafter.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)