

26.03.2025
Item No. 60
AN/Ct. No.654

WPA 16305 of 2022

**Nanda Kishore Das
versus
State of West Bengal & ors.**

Mr. Rajendra Banerjee
Mr. Suvendu Roy Chowdhury
Mr. Joy Chakraborty
Mr. Souvik Ganguly
... for the petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
... for the State

The petitioner has approached this Court with this writ petition seeking a direction upon the District Inspector of Schools (Secondary Education), Birbhum, respondent no. 3, to clear the arrears of his salary for the period from 29th March 1984 to 31st March 2014.

The petitioner participated in the selection process conducted by the competent authority for filling up the posts of Assistant Teacher in the Social Science group at the concerned school. Upon being emerged as a successful candidate, he was appointed to the post. He joined the school on 19th March 1984.

The petitioner joined as an Assistant Teacher with higher qualifications, namely B.Com (Special Honours) and B.Ed., but was initially paid the salary and/or pay scale of a Pass Graduate Teacher. Subsequently, he improved his qualifications, and in recognition of this, a

higher pay scale was granted to him. The District Inspector of Schools (Secondary Education), Birbhum, granted post facto approval of his appointment with his qualifications of B.Com (Special Honours) and B.Ed., with effect from 29th March 1984. This post facto approval was formalized through a communication vide Memo No. 2437 dated 31st March 2014.

Since the post-facto approval of his appointment with the qualifications of B.Com (Special Honours) and B.Ed. was granted with effect from 29th March 1984, the petitioner submitted an application before the concerned authority claiming his salary under the Honours Graduate Pay Scale for the period from 29th March 1984 to 31st March 2014. In support of his claim, the petitioner also submitted a bill from the school authorities to the District Inspector of Schools (Secondary Education), Birbhum, in 2017, followed by a reminder in 2018. However, as of the present date, no decision has been made by the District Inspector of Schools (Secondary Education), Birbhum, regarding the petitioner's claim.

Mr. Banerjee, learned counsel for the petitioner, submits that an appropriate direction should be issued for the release of the arrears for the period in question. In response, Mr. Guha Biswas, learned counsel for the State, disputes the contention raised by Mr. Banerjee.

Heard learned counsel for the parties at length. Perused the materials on record.

It is undisputed that the petitioner was initially appointed with the qualifications of B.Com (Special Honours) and B.Ed. His appointment was subsequently approved, and later, post facto approval for his appointment to the post with the qualifications of B.Com (Special Honours) and B.Ed. was granted by the District Inspector of Schools (Secondary Education), Birbhum, through a memorandum dated 31st March 2014.

It is also an undisputed fact that the petitioner further enhanced his qualifications by obtaining a post-graduate degree in History, for which he was granted a higher scale of pay. Following the post-facto approval of his appointment with the qualifications of B.Com (Special Honours) and B.Ed., the petitioner raised a claim for the Honours Graduate pay scale, effective from the date of his appointment, 29th March 1984, until 31st March 2014.

Record reveals that the school authorities also submitted an appeal to the District Inspector of Schools (Secondary Education), Birbhum for release of arrear salaries in favour of the petitioner for that period. However, this issue has remained unaddressed for several years.

In view thereof, I am inclined to dispose of this writ petition, directing the District Inspector of Schools (Secondary Education), Birbhum, to take a decision on the petitioner's claim for arrear salary under the Honours Graduate pay scale for the period from 29th March 1984 to 31st March 2014. Before this such decision, the D.I. of Schools (S.E.), Birbhum, shall afford an opportunity of

hearing to both the petitioner and a representative of the school authorities, and shall make a decision within a period of 12 weeks from the date of receipt of this order.

It is further clarified that, in the event the District Inspector of Schools (Secondary Education), Birbhum, accepts the petitioner's contention and the decision is made in his favour, the necessary follow-up actions shall be taken to release the arrears, along with interest accrued thereon at the banking rate of interest prevailing as of the date the decision is made, within a period of four weeks from the date of the decision.

If the decision goes against the petitioner, the District Inspector of Schools (Secondary Education), Birbhum, shall pass a reasoned order at the earliest and communicate the same to the petitioner within a period of two weeks from the date of the decision.

Thus, with the above observations and directions, **WPA 16305 of 2022** stands **disposed of**.

There shall be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Partha Sarathi Chatterjee, J.)