

26.08.2025.

**58
Ct.No.7.
as**

WPA 14690 of 2015

**Pinaki Ranjan Das
Vs.
The State of West Bengal & Ors.**

Mr. K. M. Hossain,
Mr. Kazi Ardan Ali
...for the Petitioner.

Mr. Swapan Banerjee, Ld. Addl. Govt. Pleader,
Mr. Sougata Mitra.
...for the State.

1. The present writ petition has been filed challenging the legality and propriety of the reasoned order dated 25th May, 2015 passed by the Director of Madrasah Education, West Bengal, in compliance with the order dated 27th April, 2015 passed by a Coordinate Bench of this Court in W.P. No. 22454 (W) of 2014. The petitioner further prays for issuance of a writ of certiorari for quashing the said reasoned order dated 25th May, 2015, and for issuance of a writ of mandamus directing the respondents to release the arrear bills in favour of the petitioner with effect from 1st March, 1994.

2. Succinctly put, the facts giving rise to the present writ petition are that the petitioner joined Talbangrua Senior Madrasah, situated at Talbangrua, P.S. Harishchandrapur, District Malda (hereinafter referred to as the *said Madrasah*), on 5th March, 1989 as an untrained Graduate Teacher in the Science group. The petitioner was granted yearly increments

for four consecutive years; however, thereafter, the grant of yearly increments was abruptly discontinued.

3. Subsequently, on the basis of a letter bearing No. 1263-Edn(M) dated 11th August, 1987, issued by the Deputy Secretary, Education Department (Misc. Branch), Government of West Bengal, to the General Secretary, Paschim Banga Madrasah Shikshak Samity, the District Inspector of Schools extended the benefit of increments with effect from 1st March, 1994. However, the said benefit has not, in fact, been granted to the petitioner. According to the petitioner, he is entitled to receive a sum of Rs. 3,75,832/- towards arrears of salary.

4. The petitioner approached the competent authority by submitting a representation seeking release of the aforesaid amount. However, despite receipt of such representation, no effective steps were taken. This compelled the petitioner to file a writ petition, being W.P. No. 22454 (W) of 2014, which was disposed of by a Coordinate Bench of this Court by order dated 27th April, 2015. By the said order, the Director of Madrasah Education was directed to examine the admissibility of the petitioner's claim for arrear salary. It was further directed that, in the event the Director formed the opinion that the petitioner was not entitled to the claimed sum of Rs. 3,75,832/- or any part thereof, he should pass a reasoned order and place the same before the Bench on the next date.

5. Mr. Hossain, learned Advocate appearing for the petitioner, submits that the reasoned order dated 26th May, 2015 was placed before the Coordinate Bench. Taking note of the fact that the Director of Madrasah Education had rejected

the petitioner's prayer for release of Rs. 3,75,832/-, and that the said reasoned order did not preclude the District Inspector of Schools from resubmitting the petitioner's arrear claim under the ROPA Rules and relevant Government Orders, after adjusting any over-drawal, the writ petition was disposed of. However, liberty was reserved in favour of the petitioner to challenge the said reasoned order by filing a fresh writ petition. Mr. Hossain submits that the petitioner has accordingly chosen to assail the legality of the said reasoned order by filing the present writ petition.

6. Mr. Mitra, learned Advocate representing the State submits that the Director of Madrasah Education considering all aspects has turned down the petitioner's prayer for release of amount of Rs.3,75,832/- leaving no scope to interfere with the same.

7. In response to my query, Mr. Mitra could not inform whether the District Inspector of Schools had conducted any enquiry to determine if any amount remained payable to the petitioner or whether there was any necessity to resubmit the petitioner's claim.

8. Heard the learned Advocates appearing for the respective parties and perused the materials on record.

9. Undisputedly, the petitioner joined the said Madrasah as an Untrained Graduate Teacher in the Science Group on 5th March, 1989. The reasoned order records that Government Order No. 142-Edn(B) dated 17th May, 1985, issued by the School Education Department, Government of West Bengal, provides that if an untrained teacher of a Secondary School or

Madrasah failed to acquire the requisite training within five years from April 1981, his annual increments would be stopped. However, such a teacher would again become entitled to increments on completion of ten years of approved service, in terms of Government Order No. 149-Edn(S) dated 19th February, 1979.

10. Mr. Hossain places strong reliance on the letter dated 11th August, 1987 issued by the Deputy Secretary, Government of West Bengal, addressed to the General Secretary, Paschim Banga Madrasah Shikshak Samity. He contends that while the said letter clarifies that untrained Graduate Teachers of Secondary Schools are not entitled to annual increments unless they acquire the B.T./B.Ed. training qualification, the said restriction is not applicable to teachers of Senior Madrasahs.

11. The reasoned order indicates that the Director of Madrasah Education considered the said letter and observed that it was merely a communication between the Deputy Secretary and the General Secretary of the Paschim Banga Madrasah Shikshak Samity, which could not override a circular issued by the School Education Department, Government of West Bengal. Relying on the Government Order dated 17th May, 1985, the Director accordingly rejected the petitioner's prayer for release of arrear salary amounting to Rs. 3,75,832/-.

12. In the present case, it is admitted that the petitioner did not acquire training within five years from the date of his joining the Madrasah. The reasoned order dated 25th May,

2015 records that the petitioner was granted incremental benefits for four consecutive years. Thereafter, on the basis of the letter dated 11th August, 1987, the District Inspector of Schools allowed the petitioner's incremental benefit and submitted a claim amounting to Rs. 3,75,832/-. However, as the petitioner is an untrained Graduate Teacher, he became entitled to receive yearly increments only upon completion of ten years of approved service, i.e., from 1999.

13. Therefore, I do not find any infirmity in the decision of the Director of Madrasah Education in rejecting the petitioner's prayer for release of arrear salary amounting to Rs. 3,75,832/-. However, the reasoned order itself makes it clear that such rejection would not preclude the District Inspector of Schools from resubmitting the petitioner's arrear claim under the ROPA Rules, 1981 and the relevant Government Orders, after taking into account any overdrawal, if found.

14. However, since the Director of Madrasah Education, in his reasoned order, has observed that such order would not debar the District Inspector of Schools from resubmitting the petitioner's claim for arrear salary under the ROPA Rules, 1981 and the relevant Government Orders, after adjusting any overdrawal, if found, I dispose of this writ petition with a direction upon the District Inspector of Schools to conduct an enquiry to ascertain whether any amount remains payable to the petitioner towards arrear salary. In the event the District Inspector of Schools considers it necessary to afford the petitioner an opportunity of hearing for the purpose of such

enquiry, the same shall be provided. If, upon enquiry, the District Inspector of Schools arrives at the conclusion that the petitioner is not entitled to any amount towards arrear salary, a reasoned order shall be passed and communicated to the petitioner.

15. However, it is clarified that the enquiry to be undertaken by the District Inspector of Schools is not intended to resuscitate the issue already decided by the Director of Madrasah Education.

16. With this observation, the writ petition is disposed of, however, without any order as to costs.

(Partha Sarathi Chatterjee, J.)