

05.08.2025.
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Ct.No.7.
as

WPA 18517 of 2023

Subhas Chandra Halder
Vs.
The State of West Bengal & Ors.

Mr. Pankaj Halder,
Mr. Bidish Ghosh.
.....for the Petitioner.

Mr. Jyoti Prakash Chatterjee.
...for the State.

Mr. Rezaul Alam,
Mr. Sanatan Panja.
...for the Respondent No.8.

Ms. Koyeli Bhattacharyya.
...for the WBBSE.

1. The present writ petition has been preferred seeking issuance of an appropriate order and/or direction and/or a writ, more particularly in the nature of mandamus, commanding the respondents to forthwith release the outstanding arrears of salary, along with accrued interest, for the period from 1st May, 1997 to 31st March, 2000, and from 1st November, 2003 to 31st December, 2014, and to also release all retirement benefits due to the petitioner without further delay.

2. Mr. Halder, learned Advocate representing the petitioner, submits that the petitioner joined Alipara Ambedkar Siksha Niketan Junior High School, South 24-Parganas, as an organising Assistant Teacher in the year 1986. The school was granted initial recognition by the West Bengal

Board of Secondary Education (hereinafter referred to as “the Board”) up to Class VIII with effect from 1st May, 1997. Subsequently, in compliance with the order dated 31st March, 2000, passed by a Coordinate Bench of this Court in WP 9467 (W) of 1999, the appointments of the organising teachers and non-teaching staff of the school, including the petitioner, were approved by the District Inspector of Schools with effect from 1st May, 1997. However, the financial benefits arising out of such approval were directed to be extended to those teachers and non-teaching staff with effect from 31st March, 2000.

3. In the meantime, certain individuals claiming to be the original organising teachers and non-teaching staff filed a writ petition, being WP 17062 (W) of 2002, seeking appointment to the posts of teachers and non-teaching staff of the school. By an interim order passed in the said writ petition, payment of salary to the petitioner and other organising teachers and non-teaching staff was discontinued. However, the writ petition, WP 17062 (W) of 2002, was subsequently disposed of without passing any final order on merit. Consequently, the interim order stood merged with the final order.

4. In the meantime, the organising teachers and non-teaching staff of the school, including the petitioner, filed a writ petition, being WP 265 (W) of 2000, which was disposed of by a Coordinate Bench of this Court with a direction to the concerned respondents to grant financial benefits to the teachers and non-teaching staff of the school, including the petitioner, with effect from 1st May, 1997.

5. In the meantime, the school was de-recognised with effect from 1st October, 2014. Thereafter, the teachers of the said school, including the petitioner, were absorbed in another institution, where they continued to render their services until attaining the age of superannuation.

6. One of the organising teachers of the school, viz., Dinabandhu Purkait, filed a writ petition, being WPA 24103 of 2018, challenging the action of withholding his salary. A Coordinate Bench of this Court disposed of the said writ petition, holding that the school in question continued as a recognised institution until 30th September, 2014. Accordingly, the concerned respondent was directed to release the arrear salaries to those organising teachers who served in the school up to 30th September, 2014 and were subsequently absorbed in another school following the de-recognition of Alipara Ambedkar Siksha Niketan Junior High School, South 24-Parganas.

7. Mr. Halder, submits that the issue regarding entitlement of the petitioner's arrears salary for the period mentioned in the preceding paragraph and his retirement benefits now stands conclusively settled by a Coordinate Bench of this Court.

8. Mr. Halder has pointed out that the relevant documents for the release of pension in favour of the petitioner were forwarded to the office of respondent No. 3. However, those documents were returned to the school authority on the ground that they did not include an

appointment letter issued to the petitioner by the West Bengal School Service Commission.

9. Mr. Chatterjee, learned Advocate representing the State, submits that if the service-related documents are forwarded to the concerned respondent, the same will be duly scrutinized and verified, and appropriate follow-up action shall be taken in accordance with law.

10. Mr. Alam, learned Advocate representing the school authority, submits that if the school authority is directed to re-submit the documents submitted by the petitioner, those documents would be re-submitted.

11. Ms. Bhattacharya, learned Advocate representing the Board adopts the submissions made on behalf of the State respondents.

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

13. Therefore, the matter has a chequered history. As noted earlier, the present petitioner, along with several other teachers and non-teaching staff, was involved in organising the school. The school subsequently received recognition, and the appointments of those organising teachers and non-teaching staff were approved with effect from 1st May, 1997. However, the financial benefits arising out of such approval were directed to be extended to the petitioner only from 31st March, 2000.

14. As referred to in the preceding paragraph, following the intervention of this Court in writ petition WP 265 (W) of 2000, a Coordinate Bench of this Court directed the concerned

respondents to grant financial benefits to the teachers and non-teaching staff, including the petitioner, with effect from the date the school received recognition, i.e. from 1st May, 1997.

15. Another Coordinate Bench of this Court, while disposing of writ petition WPA 24103 of 2018, held that the organising teachers who rendered their services in the school up to 30th September, 2014, are entitled to receive their arrear salaries and other service-related benefits. Following the de-recognition of the school, the petitioner and other teachers were absorbed into another institution, where they continued to serve until their respective dates of superannuation.

16. Therefore, there can be no doubt that the petitioner is entitled to receive salary and all service-related benefits for the period of service rendered at Alipara Ambedkar Siksha Niketan Junior High School, South 24-Parganas, up to 30th September, 2014. The petitioner is also entitled to service-related benefits for serving in another school where he was absorbed following the de-recognition of Alipara Ambedkar Siksha Niketan Junior High School, and he is entitled to retirement benefits for the service rendered at both schools.

17. It is unfortunate that, without taking these facts into consideration, the petitioner's pension-related documents were returned to the school authority on the ground that the appointment letter issued by the Commission had not been forwarded. However, the petitioner's appointment as an organising teacher has already been approved by the State pursuant to an order passed by this Hon'ble Court in a writ

petition. Therefore, there can be no requirement for the production of any separate appointment letter issued by the Commission.

18. In view of the foregoing, the writ petition is disposed of with a direction to the school authority to forthwith forward the pension-related documents to respondent No. 3. Upon receipt of such documents from the school authority, the concerned respondents shall release the arrear salaries, together with interest accrued thereon @ 8% per annum for the periods from 1st May, 1997 to 31st March, 2000, and from 1st November, 2003 to 31st December, 2014, as well as all retirement benefits in favour of the petitioner. The entire process shall be completed within eight weeks from the date of receipt of a copy of this order.

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

(Partha Sarathi Chatterjee, J.)