

10.03.2025
(M/L 254)
Ct.-19
(Susanta/
Samar)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 21526 of 2024

Chandra Nath Patra & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Goutam Banerjee,

.... For the Petitioners.

Mr. Shamim ul Bari,

Ms. Indrani Nandi,

.... For the State.

Mr. Biswabrata Basu Mallick,

Mr. Biman Halder,

Mr. Amman Arif Ansari,

.... For the DPSC (Hooghly).

Affidavit-of-service filed on behalf of the petitioners be kept with the record.

Mr. Goutam Banerjee, learned advocate for the petitioners undertakes to pay the deficit court fees in course of this week.

The petitioners are retired Assistant Teachers of different primary schools under Hooghly District Primary School Council. The petitioners were granted 'A' category scale of pay from the date of publication of the result(s) of their training qualification D.El.Ed. The Council, subsequently by a notification, had directed that such scale of pay would be payable from the date of obtaining certificate(s) of the said course and had directed realization of the overdrawn salary.

The petitioners, in terms of the said decision of the Council, had to refund the overdrawn amount to get their retiral benefits, which the petitioners are now praying refund.

The issue has been clarified by the *Additional Secretary* to the Government of West Bengal, School Education Department (Elementary Education Branch) vide order dated January 10, 2024 holding that the amount paid to the teachers for the said

period is not recoverable; in view of such, the Council is directed to refund the amount so recovered from the petitioners within a period of **six weeks** from the date of communication of this order.

W.P.A. 21526 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)