

10.03.2025
(M/L 253)
Ct.-19
(Susanta)
Samar)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 21519 of 2024

Kolla Lokeswar Rao & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Goutam Banerjee,

.... For the Petitioners.

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.

The petitioners are Assistant Teachers of different Primary Schools under the Hooghly District Primary Council.

The petitioners are challenging the Memo of Council bearing No. 171/HDPSC dated April 21, 2022 whereby the Chairman of the Council has requested the Sub-Inspector(s) of the Schools to enlist all cases within his/her circle(s) where the Grade Pay of untrained Primary Teachers has been enhanced to Rs. 3,600/- instead of Rs. 2,900/- resulting overdrawal of salary.

The Additional Secretary to the Government of West Bengal, School Education Department (Elementary Education Branch), the respondent no. 5 herein, in his reasoned order dated January 10, 2024 has clarified the position holding that the teachers are not liable to refund the overdrawn amount if they were allowed with the enhanced salary following the date of publication of their result of their training qualification D.El.Ed.

In view of such explanation, the impugned Memo dated April 21, 2022 is not sustainable and is accordingly set aside.

W.P.A. 21519 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.)