

WPA 22981 of 2024

**Mallika Mahata
Vs.
The State of West Bengal & Ors.**

Mr. Dibyendu Chatterjee
Mr. Kalyan Kumar Panda
Mr. Sasthi Charan Dhara
Mr. Tamal Taru Panda

... for the petitioner

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... for the W.B.B.P.E.

Mr. Suman Dey
Mr. Chandan Chakraborty

... for the State

Affidavit of service filed today be kept with the record.

The petitioner is a primary school teacher who was appointed in November 2022 pursuant to the order passed by the Court on 26th September, 2022 in WPA 20860 of 2022 (Amit Mondal & Ors. Vs. The State of West Bengal & Ors).

The petitioner had participated in the recruitment process of the year 2016 but was issued appointment letter in November 2022. Similarly circumstanced candidates had already been issued appointment letters in the year 2017.

The petitioner now prays for notional benefits.

Learned advocate for the petitioner relies upon the order passed by a Co-ordinate Bench of this Court on 11th July, 2024 in WPA 27622 of 2023 (Animesh

Karmakar Vs. The State of West Bengal & Ors.) wherein under similar circumstances the Court directed that the service of the petitioner to be notionally considered from February 2017. Direction was also passed for payment of notional increments and any revision along with computation of length of service from February 2017.

Learned counsel appearing for the West Bengal Board of Primary Education submits that an appeal has been preferred in case of a similar situation being MAT No.1896 of 2024 (The West Bengal Board of Primary Education & Ors. Vs. Soham Roy Chowdhury & Ors.) and the matter is pending before the Division Bench though no interim order is passed till date. On query from the Court the learned counsel clearly submits that in this case also Mr. Soham Roy Chowdhury has been granted all benefits and only thereafter the appeal was preferred after a delay of two years.

Report filed by the learned counsel appearing for the West Bengal Board of Primary Education is kept with the record.

As the petitioner appears in that standing of Animesh Karmakar (supra) and Soham Roy Chowdhury (supra), the instant writ petition is disposed of by directing that the service of the petitioner shall be notionally considered from February 2017. However, actual financial benefit shall not be payable to the petitioner prior to her date of appointment.

The petitioner shall also be entitled to the notional increments, and the length of her service shall be computed from February 2017.

If any increment has been granted to the teachers who joined in February 2017 until November 2022, the same shall be made available to the petitioner prospectively from the date of her joining. The salary slip and the pay scale of the petitioner shall be revised accordingly.

All arrears from November, 2022 till date shall be paid to the petitioner within a period of eight weeks from the date of communication of this order.

The Writ petition being WPA 22981 of 2024 is accordingly disposed of.

There will be no order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court

(Rajarshi Bharadwaj, J.)