

30.07.2025
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Ct.No.7
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WPA No. 22144 of 2023

Lakshmikanta Naiya
Vs.
State of West Bengal & Ors.

Mr. Pankaj Halder
Mr. Subas Ray
Mr. Sanatan Panja
....for the petitioner

Mr. Rabindra Nath Pal
..... for the State

The present writ petition is being filed praying for the issuance of an appropriate writ, order, or direction, more particularly a writ in the nature of *mandamus*, commanding the concerned respondents to forthwith release the outstanding arrears of salary, together with the interest accrued thereon, for the period commencing from 1st May, 1997 to 30th April, 2000, and also from 1st November, 2003 to 31st October, 2008, which , according to the petitioner, have been unjustly withheld.

Mr. Halder, the learned Advocate appearing on behalf of the petitioner, submits that the petitioner was appointed as an organizing non-teaching Staff (Group-C) at Alipara Ambedkar Siksha Niketan Junior High School, situated in the District of South 24 Parganas (hereinafter referred to as 'the school') in the year 1986.

The said 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, by virtue of an order dated 31st March, 2000 passed by a Co-ordinate Bench of this Hon'ble Court in W.P. No. 9467(W) of 1999, the petitioner's appointment was duly 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 only with effect from 31st March, 2000.

Meanwhile, certain individuals preferred a writ petition, W.P. No. 17062(W) of 2002 taking a plea that they were the original organizing teachers and non-teaching staff of the school. By an interlocutory order passed in that writ petition, the payment of salary in favour of the petitioner and other teachers of the school, whose appointments were approved by the District Inspector of Schools with effect from 1st May, 1997, was stopped. However, subsequently the writ petition was disposed of without passing any order.

Mr. Halder, learned Advocate for the petitioner, further submits that the interim order passed in W.P. No. 17062(W) of 2002 stood merged with the final judgment, and as the Co-ordinate Bench did not find any merit in the claim advanced by certain individuals asserting themselves to be the original organizing

teaching and non-teaching staff, no relief was granted in their favour.

It is submitted that the petitioner retired from service upon attaining the age of superannuation on 31st October, 2008. Mr. Halder submits that the school in question was subsequently de-recognized with effect from 1st October, 2014.

However, the concerned respondents discontinued the disbursement of salary to the teaching and non-teaching staff of the school, including the petitioner, on the ground that they were restrained from effecting such payment pursuant to an interim order passed in W.P. No. 17062(W) of 2002.

The action of withholding the salary of the teachers was challenged by one of the affected teachers, namely Dinabandhu Purkait, by filing a writ petition being WPA 24103(W) of 2018. Mr. Halder further submits that a Co-ordinate Bench of this Hon'ble Court, while disposing of this writ petition, held that the school in question continued to function as a recognized institution until 30th September, 2014. Accordingly, the Bench directed the concerned respondents to release the arrear salary to those teachers who had served in the said school up to 30th September, 2014 and were subsequently absorbed in another school following the derecognition of Alipara Ambedkar Siksha Niketan Junior High School.

Mr. Halder further submits that, in view of the aforesaid decision rendered by a Co-ordinate Bench of this Hon'ble Court, the issue now stands conclusively settled. Therefore, he contends that there exists no justifiable impediment in directing the concerned respondents to release the arrear salary due to the petitioner.

Mr. Pal, learned Advocate representing the State, submits a copy of a report and opposes the contention advanced by the petitioner.

Heard the learned Advocates representing the respective parties.

The record reveals that the petitioner was appointed as an organizing non-teaching Staff of the school in the year 1986. The school was granted initial recognition by the West Bengal Board of Secondary Education with effect from 1st May, 1997. Although the petitioner's appointment was approved with retrospective effect from 1st May, 1997, the financial benefits arising therefrom were directed to be extended with effect from 31st March, 2000.

A Co-ordinate Bench of this Hon'ble Court also had the occasion to consider the issue regarding the date from which the organizing teachers and non-teaching staff of the said school would be entitled to receive their salary and other service-related benefits. Upon due consideration, the Bench concluded that such teachers and non-teaching staff were entitled to receive

their salary and all consequential service-related benefits from the date on which the school was granted recognition.

As noted earlier, certain individuals, claiming to be the original organizing teachers and non-teaching staff of the school, filed a writ petition being W.P. No. 17062(W) of 2002. A Co-ordinate Bench of this Hon'ble Court, by way of an interlocutory order, directed the concerned respondents not to release any salary or service-related benefits to the teachers and non-teaching staff of those schools whose appointments had been approved.

However, the interlocutory order was ultimately merged with the final order, and no direction was issued therein restraining the concerned respondents from disbursing salary or extending service-related benefits to the teachers and non-teaching staff of schools that had received recognition. In the present case, the petitioner retired from service on 31st October, 2008 upon attaining the age of superannuation. It is evident, therefore, that during the period of the petitioner's service, the school was functioning as a duly recognized institution.

In view of the above, I find no justifiable reason for the District Inspector of Schools to withhold the payment of arrears of salary to the petitioner on the ground that a Co-ordinate Bench of this Hon'ble Court had once passed an interlocutory order in W.P. No.

17062(W) of 2002. As the said interlocutory order stood merged with the final order, and there is no order in force restraining him from releasing the petitioner's arrear salary, the District Inspector of Schools is obligated to disburse the same for the period as indicated hereinabove.

Accordingly, the writ petition is disposed of with a direction upon the District Inspector of Schools to release the petitioner's arrear salary for the periods from 1st May, 1997 to 30th April, 2000 and from 1st November, 2003 to 31st October, 2008, along with interest accrued thereon at the rate of 8% p.a., to be calculated from the date the salary fell due until the date of actual disbursement.

Entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

With these observations and order, the writ petition is, thus, disposed of.

There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)