

10.03.2025
Court No. 18
Item No.94 (ML)
(Suvendu)

WPA 24714 of 2023

Chandana Basu
-Versus-
State of West Bengal & Ors.

Mr. Ranjan Kumar Kali
.....for the petitioner

Mr. Subhra Prokash Lahiri
.....for the State

By presenting this writ petition, petitioner has prayed for arrear salary from 1st June, 2002 till 31st March, 2010. Petitioner was an organizing teacher of Kusumba High School, South 24 Parganas (hereinafter referred to as “said school”) and her service was approved vide memo dated 28th October, 2010 with effect from 1st June, 2002. Such approval was accorded in terms of order of the Hon’ble Division Bench dated 6th July, 2004 wherein concerned State authorities were directed to grant approval of appointment in favour of the petitioner as organizing teacher. Based on such approval memo dated 28th October, 2010, petitioner’s

service was treated as approved service with effect from 1st June, 2002 and petitioner retired on superannuation on 31st January, 2015. However, undisputedly petitioner received salary from 1st April, 2010 to 31st January, 2015.

Therefore, claim which has been laid by filing this writ petition for release of arrear salary from 1st June, 2002 till 31st March, 2010 needs to be taken into consideration in view of observation made by a Coordinate Bench while disposing of writ petition being WPA 14545 (W) of 2012 preferred by the petitioner claiming benefits from 1st January, 1986 as organizing teacher. In the judgment of the Coordinate Bench dated 9th September, 2013 passed in that writ petition, it was observed that petitioner could only be accommodated against a vacancy which had fallen out of six posts on 1st June, 2002. It was also directed therein that State authorities to release the financial benefits which petitioner was otherwise entitled to in law as expeditiously as possible.

In spite of specific observation made by the Hon'ble Division Bench in the order dated 6th July, 2004 relating to grant of approval of

appointment in favour of petitioner and release of financial benefits as directed by the Coordinate Bench by judgment and order dated 9th September, 2013 it is found from the report of the District Inspector of Schools (SE), South 24 Parganas dated 10th February, 2025 that arrear salaries for the period from 1st June, 2002 to 31st March, 2010 have not been released in favour of the petitioner till date.

Learned advocate representing State respondents in reference to the report dated 10th February, 2025 filed on behalf of the District Inspector of Schools (SE), South 24 Parganas has submitted that due to non-cooperation on the part of said school authority claim of the petitioner towards arrear salaries for the aforesaid period could not be released. Objection was raised by the Joint Director of Accounts on 16th February, 1918. From the report dated 10th February, 2025, it also appears that said school authority is required to submit rectified calculation sheet of arrear salary, Income Tax declaration and Bank Account details of the petitioner for release of arrear dues.

Since said school authority did not submit aforesaid documents in spite of request made by concerned District Inspector of Schools, the petitioner is directed to appear before the concerned District Inspector of Schools being respondent no. 4 on 17th March, 2025 at 12 noon along with details of Bank Account and Income Tax declaration for settling her claim towards arrear salaries for the period from 1st June, 2002 till 31st March, 2010. If necessary, petitioner shall submit details of the period for which she is entitled to receive arrear dues based on which respondent no.4 will finalize calculation and release arrear dues by four weeks thereafter. If any further details are required, respondent no. 4 shall obtain the same from said school authority and the Teacher-in-Charge of said school being respondent no. 5 is directed to cooperate with respondent no. 4 for releasing dues in favour of the petitioner.

Petitioner has also prayed for grant of interest on arrear salaries. Same at this stage is not allowed. However, petitioner shall be at liberty to pray for same before the concerned

State authorities after arrear dues are paid in favour of the petitioner.

Writ petition stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)