

16.01.2025
Court No. 18
Item No. 33
(Suvendu)

WPA 223 of 2025
Abdul Aziz Shaikh
-Versus-

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Saikat Sutradhar
.....for the petitioner

Ms. Koyeli Bhattacharya
Mr. Bibek Datta
Ms. Keya Panja
.....for the Board

Mr. Tarak Karan
.....for the State

Mr. Kanak Kiran Bandyopadhyay
Mr. Sunit Kumar Roy
.....for the WBCSSC

Affidavit of service filed on behalf of the petitioner is taken on record.

On behalf of petitioner it is submitted by the learned advocate that petitioner participated in 12th RLST, 2011 and at the first instance petitioner was not selected. However, on reassessment of marks in subjects under TET 2011 there was enhancement of marks which made the petitioner eligible to be appointed but there was considerable delay in appointing the petitioner in the post of Assistant Teacher.

Attention of this Court has been drawn to appointment letter issued by the Secretary, West Bengal Board of Secondary Education which is annexed to this writ petition and it is submitted that in terms of the said appointment letter petitioner

joined the post of Assistant Teacher on 28th December, 2023.

In course of submission, reliance is placed on order dated 23rd July, 2024 issued by the Principal Secretary, School Education Department, Government of West Bengal, whereby similarly circumstanced candidates were granted notional incremental benefits from November, 2013 though they were appointed after a long period of time. Reliance is also placed on the order dated 4th October, 2024 passed by this Court on a writ petition being **WPA 20652 of 2023 (Sourav Naskar Vs. The State of West Bengal & Ors.)**.

On consideration of the issue decided in **Sourav Naskar** (supra), it appears that said order covers the issue involved in this writ petition. Let a copy of the order passed in **Sourav Naskar** (supra) be retained with the record.

Taking note of the decision of the Principal Secretary, School Education Department dated 23rd July, 2024 and the order passed in **Sourav Naskar** (Supra), concerned State respondents are directed to grant notional benefits to the petitioner from November, 2013 and fix the pay of the petitioner from the date of petitioner's appointment accordingly. For computation of other benefits including pension, date of appointment of petitioner to be reckoned as 1st November, 2013. However, petitioner is not entitled to receive monetary benefits from 1st November, 2013 till the date of his appointment.

The aforesaid exercise shall be completed by the Commissioner of School Education by eight weeks from the date of communication of this order.

In this regard an order is to be passed by the Commissioner of School Education, to be communicated to the petitioner by two weeks thereafter.

With the aforesaid direction, the writ petition stands disposed of.

There shall be however no 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.)