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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/108/2025

SARMISTHA SENGUPTA MITRA AND ANR
VS
THE STATE OF WEST BENGAL AND ORS

BEFORE:

The Hon'ble JUSTICE RAI CHATTOPADHYAY

Date : 20th May, 2025.

APPEARANCE:

Mr. Jaharlal Roy, Adv.
Mr. Saptarshi Kr. Kundu, Adv.
..for the petitioners.

Mr. Bhaskar Prasad Vaisya, Ld. AGP.
Mr. Nilay Baran Mondal, Adv.
For State.

Mr. Sakti Pada Jana, Adv..
For School Authority.

The Court:- Mr. Jana's client has come up with two cheques of Rs.25,000/- each for each of the petitioners as a part payment of the due pay and allowances payable to the writ petitioners in terms of the settlement and says that to be in compliance and in terms of the previous order of the Court.

Mr. Roy, learned Advocate appearing for the petitioners is, however, not agreeable to accept the same since the same is not bearing full and final amount of the dues as stands outstanding, as per the settlement. Mr. Roy argued that due to the malafide intention and dilatory tactics the school

authorities are not desirous to handover the balance pay to the petitioners as per the settlement.

On the contrary, Mr. Jana has submitted before the Court that the petitioners may accept the part payment as the respondent hands over today by way of two cheques. That, the balance amount would be paid by 30th June, 2025.

Record reveals that since months together this matter has been pending. On the request of the school authorities the Court has been granting time for making full and final payment to the writ petitioners in accordance with the settlement earlier arrived at by the school and the petitioners.

Even today in spite of specific direction of the Court, the said amount has not been paid by the school authorities. In such situation and keeping in mind the fact that the parties having entered into a settlement as regards payment of the balance amount of the salary to the petitioners, the Court is of considered view to dispose of the present writ petition with the following directions:-

- (1) Writ Petition No. 108 of 2025 is allowed.
- (2) The respondent school management shall pay the arrear financial package as per settlement, to the petitioners in implementation of the Revision of Pay and Allowances Rules, 2009 with effect from the date of implementation of the Government aided Schools.
- (3) Respondent School authority shall also pay interest to the tune of 9% per annum for the delay in payment, from the date of actual

entitlement to the petitioners till the date of actual payment by the said respondent.

- (4) The entire exercise should be concluded by the concerned respondent within a period of four weeks from the date of communication of this order.

The writ petition being WPO/108/2025 is disposed of.

Since no affidavit has been called for, allegations made in the writ petition is deemed to have been denied by the respondents.

Urgent certified photo copies of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(RAI CHATTOPADHYAY, J.)