

31.03.2026
Item No.3
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 630 of 2026

**Swapan Kumar Sau
versus
The State of West Bengal & Ors.**

Mr. Talay Masood Siddiqui, Sr. Adv.
Mr. Dip Jyoti Chakraborty
Mr. Chitrak Biswas

... For the petitioner

Ms. Sumita Sen

... For the State

Mr. Ranjan Saha

... For the DPSC, Paschim Medinipur

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities particularly respondent no.8, District Inspector of Schools, Primary Education, Paschim Medinipur to withdraw and/or cancel the observation made in Annexure P7 at page 33 of the writ petition.
3. The petitioner contends that he joined as an Assistant Teacher in Akandi Primary School under the Contai North Circle in the District of Purba Medinipur on 26th March, 1999. At present, the petitioner is working as an Assistant Teacher, holding the charge of the Teacher-in-Charge at Dirimara Primary School under Narayangarh Circle, District-Paschim Medinipur. The petitioner is scheduled to retire today i.e 31st March, 2026.

The petitioner completed the Primary Teachers' Training (*in short PTT*) course in the year 2006. The result of PTT examination was declared on 14th July, 2011. The petitioner has been granted 'A' category scale of pay with effect from the date of declaration of the results i.e 14th July, 2011 considering him as a trained candidate and his pay was duly fixed. On the verge of retirement of the petitioner, the District Inspector of Schools, Primary Education, Paschim Medinipur has given a note on the service book of the petitioner (Annexure P7) that the petitioner is not a trained teacher and therefore has overdrawn salary with effect from 14th July, 2011. Challenging such action of the respondent authorities, the petitioner has preferred the present writ petition.

4. Mr. Talay Masood Siddiqui, learned Senior Advocate appearing for the petitioner submits that pursuant to completion of the PTT course, the petitioner has been granted 'A' category scale of pay from the date of declaration of result of such examination, i.e. 14th July, 2011. Such fact has been noted in the service book of the petitioner. The question of wrong fixation and overdrawn of salary does not and cannot arise in the case of the petitioner. He seeks for withdrawal of such note. He further informs this Court that the petitioner has challenged the date from which 'A' category

scale of pay is made in favour of the petitioner in another writ petition being WPA 4241 of 2026.

5. Ms. Sumita Sen, learned Advocate appearing on behalf of the State as well as Mr. Ranjan Saha, learned Advocate for the District Primary School, Paschim Medinipur leave the matter to the discretion of this Court.
6. It is not in dispute that the petitioner completed PTT course in the year 2006. Result of such examination was declared on 14th July, 2011. The District Inspector of Schools (PE), Paschim Medinipur, respondent no.8 at page 33 annexure P7 has given note in the service Book of the petitioner that he is an un-trained teacher and therefore the overdrawn salary paid to the petitioner as a trained teacher has to be refunded. From the service book of the petitioner (Annexure P4) at page 26, of the writ petition it is found that the Sub-Inspector of Schools, Narayangarh Circle has recorded that in terms of G.O No. 209 SE (EE) PTTI dated 4.3.2013 the petitioner is a trained teacher and allowed him 'A' category scale of pay with effect from 14th July, 2011. Therefore, the note of the District Inspector of Schools (PE), Paschim Medinipur, respondent no.8 at page 33 annexure P7 to the writ petition runs contrary to the recording in the service book of the petitioner at page 26 Annexure P4 to the writ petition. There is no plausible reason revealed in the note under

challenge raising such issue of wrong fixation. In view of above, the note at page 33 annexure P7 to the writ petition is liable to be set aside and withdrawn.

7. Accordingly, note of the District Inspector of Schools (PE), Paschim Medinipur at page 33 Annexure P7 to the writ petition is set aside and withdrawn.
8. The respondent authorities shall take all consequential steps for releasing pension in favour of the petitioner forthwith.
9. With the aforesaid direction, the writ petition being **WPA 630 of 2026** stands disposed of.
10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)