

13.04.2026
Sl. No.23(DL)
Ct. No.14
srm

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

W.P.A. No. 16736 of 2025

**Sajal Kumar Basu
Versus
The State of West Bengal & Ors.**

Mr. Goutam Banerjee,
Mr. Raja Ghosh

...for the Petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

...for the State.

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder,
Mr. Amman Arif Ansari

...for the DPSC, Hooghly.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for refund of Rs.55,930/-, upon quashing of letter under Memo No.171/HDPSC dated 21st April, 2022 of respondent No.7, Chairman/Chairperson, Hooghly District Primary School Council (Annexure P-3).
3. The petitioner contends that he retired from service on superannuation on 31st January, 2023 as an Assistant Teacher of Banamalipur Prathamik Vidyalaya, District Hooghly. The petitioner was granted 'A' category scale of pay from the date of publication of the result of training course of Diploma in Elementary Education (*in short, 'D.El.Ed.'*). Subsequently, notification was issued by the District Primary School Council, Hooghly directing that the 'A' category scale of pay would be

payable from the date of obtaining the certificate of the said course and directed for realisation of the overdrawn salary. In terms of said notification of the Council, the petitioner deposited the overdrawn amount to get his retiral benefits. The petitioner seeks refund of the overdrawn amount. Hence, this writ petition.

4. Md. Goutam Banerjee, learned Advocate appearing on behalf of the petitioner submits that in case of similarly circumstanced petitioner passed in ***Sri Narayan Kumar Dutta versus the State of West Bengal & Others (WPA No. 16445 of 2025)*** this Court has directed the Council to refund the amount so recovered towards overdrawn of salary. To buttress his contention he also relies on the decision of co-ordinate Bench of this Court in ***Chandra Nath Patra and Others -versus- the State of West Bengal & Others (WPA No.21526 of 2025)***. He seeks for similar benefits in favour of the petitioner.
5. Mr. Biswabrata Basu Mallick, learned Advocate for the Hooghly District Primary School Council as well as Mr. Arindam Chattopadhyay, learned Advocate for the State, also concedes to such submission.
6. The Additional Secretary, School Education Department, Elementary Education Branch, Government of West Bengal, respondent no.5 has passed order on 10th January, 2024 pursuant to direction of a Co-ordinate bench of this Court in ***Bivash Majumder & Others -versus- The State of***

West Bengal and Ors. (WPA No. 24434 of 2022)

clarifying that the amount made for the period is not recoverable if the petitioner were allowed enhanced salary following the date i.e. 22.05.2019.

7. A Co-ordinate Bench of this court in **Chandra Nath Patra (supra)** has directed as follows:

*“The issue has been clarified by the Additional Secretary to the Government of West Bengal School Education Department (Elementary Education Branch) vide order dated January 10, 2024 holding that the amount paid to the teachers for the said period is not recoverable; in view of such, the Council is directed to refund the amount so recovered from the petitioners within a period of **six weeks** from the date of communication of this order. “*

8. In view of the above, the respondent No.7, the Chairman/Chairperson, District Primary School Council, Hooghly is directed to refund the overdrawn amount of salary amounting to Rs.55,930/- to the petitioner within a period of eight weeks from the date of communication of this order.
9. With the above direction, the writ petition being **WPA 16736 of 2025** stands disposed of.
10. Learned advocate for the petitioner is directed to communicate this order to the concerned respondents for necessary compliance.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.

15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)