

16.02.2026
Sl. No.52
Ct. No.14
gd

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

WPA/19373/2025
BADAL CHANDRA MALLIK
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Debasis Dey

...for the Petitioner.

Mr. Debnarayan Patra
Mr. Mihir Kundu

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Report filed by the State furnished by District Inspector of Schools (Primary Education), Paschim Medinipur dated 15th January, 2026 is also taken on record.
3. By the present writ petition, the petitioner seeks direction upon the respondent authorities to refund the overdrawn salary amount of Rs.65,824/- deposited by the petitioner together with interest.
4. The petitioner contends that he was an Assistant Teacher of Langamara Primary School under Keshiary-II Circle, District – Paschim Medinipur. The petitioner retired from service on superannuation on 31st March, 2025. During his service tenure, petitioner was informed by the respondent no.3, District Inspector of Schools (P.E.), Paschim Medinipur to deposit overdrawn salary amount of Rs.65,824/- for the period 1st August, 2019 to 30th April, 2022 due to wrong fixation by the

department. The petitioner duly deposited the aforesaid amount of overdrawn salary on 22nd August, 2022. The direction of the respondent authorities for deposit of the overdrawn amount is impermissible in law. Hence, this writ petition.

5. Mr. Debasis Dey, learned Advocate for the petitioner submits that such amount as directed by the respondent authorities to deposit towards overdrawn salary is impermissible in law. To buttress his contention, he relies on the decision of the Hon'ble Supreme Court in ***State of Punjab & Ors. versus Rafiq Masih (White Washer) & Ors.*** reported in ***(2015) 4 SCC 334***.
6. On the contrary, Mr. Debnarayan Patra, learned Advocate for the State submits that much prior to his retirement the petitioner was directed to deposit excess amount of salary received by him during his service tenure pertaining to period 1st August, 2019 to 30th April, 2022. The petitioner has duly deposited the same. There was wrong fixation of the salary which has resulted in such overdrawn. He seeks for dismissal of the writ petition.
7. Upon hearing the learned advocates for respective parties, the only issue which falls for consideration is whether the direction of respondent no.3, District Inspector of Schools (P.E.), Paschim Medinipur for deposit of the overdrawn salary amount is sustainable or not.
8. It is not in dispute that there was overdrawn of salary by the petitioner amounting to Rs.65,824/- for the

period 1st August, 2019 to 30th April, 2022. Such overdrawn salary has been detected in the year 2022 which is much prior to the retirement of the petitioner. The amount has also been duly deposited by the petitioner admitting such overdrawn amount. The proposition of *Rafiq Masih (supra)*, does not apply to the facts and circumstances of the present case.

9. In view of the above, the writ petition falls short of merit.
10. Accordingly, the writ petition being **WPA 19373 of 2025** stands dismissed.
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.)