

24.02.2026
Sl. No.9-10
Ct. No.14
gd

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

**W.P.A. No. 24973 of 2025
Ranjan Mahata
Versus
The State of West Bengal & Ors.**

With

**W.P.A. No. 7074 of 2025
Ranjan Mahata
Versus
The State of West Bengal & Ors.**

Mr. Samim Ahammed,
Mr. Aniruddha Singh,
Mr. Arka Ranjan Bhattacharyya,
Ms. Gulsanwara Pervin

...for the Petitioner.

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Suman Dey

.... for the State in
WPA 24973 of 2025.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

... for the State in
WPA 7074 of 2025.

Mr. Ranjan Saha

...for the DPSC, Jhargram.

1. Report filed by the Chairman, District Primary School Council, Jhargram is taken on record.
2. In WPA 7074 of 2025 the petitioner has sought for direction upon respondent no.7, Sub-Inspector of Schools, Binpur-I Circle to forthwith calculate and fix the monthly salary of the petitioner and release the same in favour of the petitioner.

3. In WPA 24973 of 2025 the petitioner has prayed for setting aside the order dated 13th August, 2025 under Memo No.822/JGM/DPSC/25 passed by respondent no.3, Chairman, District Primary School Council, Jhargram holding that the petitioner is entitled to subsistence allowances.
4. The petitioner contends that he is a Head Teacher of Amainagar Primary School under Binpur-I Circle, Jhargram. On initiation of a criminal proceeding being Jhargram Police Station Case No.200 of 2018 the petitioner was put under suspension on and from 18th April, 2019.
5. Challenging such order of suspension, the petitioner approached this Hon'ble Court in WPA No. 8021 of 2022. The said writ petition was disposed of on 14th May, 2024 as follows:-

“3. In those circumstances, since the criminal case against the petitioner does not arise out of any action committed in course of employment, the respondents shall reconsider the petitioner's continued suspension.”
6. Pursuant thereto, the suspension order was revoked on 11th December, 2024 whereby the petitioner was reinstated in service and direction was issued by Chairman, Paschim Medinipur District Primary School Council that he will be entitled to draw salary.
7. Subsequent thereto, the Chairman, Jhargram District Primary School Council has passed order on 13th August, 2025 entitling the petitioner to subsistence allowance only (75% of basic) which is under

challenge in the writ petition being No. WPA 24973 of 2025.

8. Mr. Samim Ahammed, learned Advocate appearing for the petitioner submits that since the suspension order has been revoked and earlier an order was passed entitling the petitioner to draw salary from the date of rejoining in his post after calculation of salary which he would have drawn if he had not been put under suspension, the impugned order passed by District Primary School Council, Jhargram subsequently entitling the petitioner to subsistence allowances only is not tenable in the eye of law.
9. Mr. Ranjan Saha, learned Advocate for the District Primary School Council, Jhargram as well as Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader for the State in WPA 24973 of 2025 submits that since the order of suspension has been revoked, the petitioner is entitled to draw salary from the date of his re-joining.
10. Mr. Arindam Chattopadhyay, learned Advocate for the State in WPA 7074 of 2025 submits that already bills in respect of the salary of the petitioner has been forwarded to the Chairman, District Primary School Council, Jhargram by the office of Sub-Inspector of Schools, Binpur-I Circle, Jhargram for disbursement.
11. Upon hearing the learned advocates for the respective parties and also considering the order passed by the Chairman, Paschim Medinipur District Primary

School Council dated 11th December, 2024, there is no manner of doubt that the petitioner is made entitled to draw salary from the date of his rejoining in the post upon calculation of the salary which he would have drawn had he not been put under suspension.

12. Accordingly, the impugned order dated 13th August, 2025 passed by Chairman, District Primary School Council, Jhargram subsequently, directing for grant of subsistence allowance only (75% of the basic) is set aside.
13. Accordingly, Chairman, DPSC, Jhargram is directed to grant salary to the petitioner from the date of his rejoining in the light of the order dated 11th December, 2024 passed by Chairman, DPSC, Paschim Medinipur. He shall also release the arrears of salary, if any. Such exercise shall be done within a period of twelve weeks from the date of communication of this order.
14. Learned advocate for the petitioner is directed to communicate this order to Chairman, District Primary School Council, Jhargram, for necessary action.
15. With the aforesaid directions, the writ petitions being **WPA 7074 of 2025** and **WPA 24973 of 2025** are disposed of.
16. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

17. Interim order, if any, stands vacated.
18. All connected applications, if any, stand disposed of.
19. There shall be no order as to costs.
20. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

(Bivas Pattanayak, J.)