S/L 25
19.11.2026
Court No.04
B.K.N

F.M.A. 404 of 2025

Anukul Chandra Mondal
Vs.
The State of West Bengal & Ors.

Mr. Ashis Kumar Dutta,
Mr. Ajoy Roy
... for the Appellant.

Mr. Samrat Mukherjee,
Ms. Mary Dutta
... for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta
... for the W.B.B.S.E.

1. Heard the learned advocate for the writ petitioner/appellant and the learned advocates representing the respondents.
2. The petitioner claims to have been appointed as a Teacher-in-charge at one Pakhirala Junior High School on 01.09.1979.
3. During a period, 01.04.1987 to 20.12.2005 he did not discharge his duties. This fact is not in dispute. What is in dispute is that the petitioner claims that he was prevented from discharging his duties in this period; whereas the authorities complain that he did not turn up to discharge his duties in this period. Such disputed issues of facts, raised after about 18 years are normally not considered by a Writ Court exercising jurisdiction under Article 226 of the Constitution of India.
4. Be that as it may, the Hon'ble Single Judge has taken note of the fact that despite such long absence the petitioner was not proceeded against by a disciplinary proceeding. Considering such facts the Hon'ble Single Judge held the period of absence as *dies non,* and

directed for payment of the post retiral benefits to the petitioner commencing from 31.10.2006.

5. We have heard the learned advocates for the parties.
6. The learned advocate for the appellant vehemently submits that the respondent nos. 7 and 8 and other school authorities not only prevented the petitioner from joining during this period, but also physically assaulted him for which he also lodged complaint with the police authorities. Be that as it may, the long period of absence nearly 18 years is not in dispute.
7. We find that during this period of 18 years the petitioner did not raise any grievance before the Court. Therefore, the Hon'ble Single Judge rightly held the period to be *dies non*, taking notice of the fact that the authorities did not proceed against him departmentally. It is under such circumstances that the petitioner was also granted his pensionary benefits, by the Hon'ble Single Judge Bench.
8. Fact of this long absence not being in dispute, we do not find the petitioner entitled to any other benefits.
9. The appeal is dismissed.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)