
(2018) 05 CAL CK 0196
In the Calcutta High Court
Case No : Writ Petition3834(W) of 2018

Biplab Sarkhel

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 15-05-2018

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2018) 05 CAL CK 0196

Hon'ble Judges : SHEKHAR B. SARAF, J

Bench : Single Bench

Advocate : Sujit Kr. Rath, Anirban Saha, Jaharlal De, Sangeeta Roy

Final Decision : Disposed Of

Judgement

Affidavit of service filed in Court is kept with the record. This is an application under Article 226 of the Constitution of India challenging the inaction

on the part of the District Inspector of Schools (S.E.), Purulia District being, the respondent no.3 in this writ petition. It is the case of the writ petitioner

that he is an assistant teacher of English language group. It is the submission that his personal yearly increments have been stopped for two

consequent years being 2013 and 2014.

Learned counsel submits that the representation has been made to the District Inspector of Schools (S.E.) on March 31, 2017 but the said authority

has not acted on the same. Learned counsel for the writ petitioner relies on the order bearing No.118SE/S/10M-29/16 dated February 6, 2018 passed

by the Joint Secretary to the Government of West Bengal. The relevant portion of the said order is produced below:-

â??After careful consideration of the matter, the Governor is pleased to order that one time relaxation granted vide Memo No.759-SE(S)/2P-1/09

dated 2 30/07/2009 read with Memo No.516-SE/S/2P-1/09 dated 29/03/2010 may be extended in respect of increments for all untrained teachers

appointed during the period from 2006 to 2009 upto 01/07/2015 and all such teachers will be allowed to draw annual increment up to 01/07/2015 as usual.

It is also made clear that no further relaxation will be allowed thereafter. It is further clarified that the Governor is pleased to restore to the incumbent

teachers any loss of increments between the period from 01/01/2013 to 01/07/2015 suffered by such teachers. The District Inspector of Schools

(S.E.), shall allow the increments in such cases.â??

Learned counsel appearing on the behalf of the District Inspector of Schools (S.E.) submits on instructions that a fresh application being made by the

writ petitioner, the District Inspector of Schools (S.E.) shall consider the same in consonance with the above order of the Government of West

Bengal.

In view of the above, the District Inspector of Schools (S.E.) is directed to pass a reasoned order on the application submitted by the writ petitioner

within a period of four weeks from the submission of such fresh application. The said order should be communicated within a period of two weeks of

passing of such order. With the above direction this writ petition is disposed of. There shall be no order as to costs. All parties are to act on the

website copy of this order.