

September 23, 2024
AD 19
Ct. 17
SG

WPA 19302 of 2024

Bishnupada Basuli and others
vs.
The State of West Bengal and others

Mr. Sudipta Dasgupta
Ms. Shalini Ghosh
... for the petitioners.

Mr. Sirsanya Bandopadhyay
Ms. Tapati Samanta
... for the State.

Report in the form of affidavit filed by the respondent
Nos.1, 3 and 4 is taken on record.

Learned counsel for the petitioners submits that the
petitioners are the teaching and non-teaching staff who
had established a school for the mentally challenged,
visually impaired and multiple handicapped children
under the name and style of 'Nimtouri Tamluk Unnayan
Samity.' They were sanctioned the academic
recommendation as an institution for handicapped
children. The Department of Mass Education Extension
inspected the school, verified all the documents and by
an order dated 16.11.2010 affirmed the sanction of
sponsorship with a student strength of 85 and creation of
29 teaching and non-teaching posts. Subsequently, there
were some communications exchanged regarding possible

reorganisation of the Managing Committee. By an order dated 22.08.2022 passed by a Coordinate Bench of this Court in WPA 1092 of 2022, the Director of Mass Education Extension of Government of West Bengal was directed to give an opportunity of hearing to the petitioners within a stipulated time and pass a reasoned order. In fact, a reasoned order dated 12.10.2022 was passed directing some persons to be absorbed as organising staff from the date of sponsorship subject to the approval of the Finance Department, Government of West Bengal. Although such order was passed long ago, till date the Finance Department has not given any approval.

Learned counsel for the State relies on the report and submits as follows. In respect of queries raised by the Finance Department, a report regarding compliance of Memorandum No.833-Edn. dated 13.09.1996 along with a report of inspection conducted by a Three-Member Team on 01.08.2024 was forwarded by the District Mass Education Extension Officer, Purba Medinipur, vide her memo No.215/DMEEO/Pu.M dated 10.08.2024 to the Director of Mass Education Extension and the same has been submitted to Mass Education Extension and Library Services Department, Government of West Bengal for taking necessary action. The said Department has forwarded the matter to the Finance Department, Government of West Bengal for its consideration on 17.09.2024.

It appears that although a sanction for sponsorship was granted to the Institute and creation of posts was also sanctioned, necessary inspection was done and the report was sent to the Director of Mass Education Extension, yet till date the Finance Department has not taken a decision to approve the absorption of the teaching and non-teaching staff till date.

In fact, the queries raised by the Finance Department were also answered by the Mass Education Extension Department by undertaking an inspection and submitting a report. One wonders as to what is preventing the Finance Department from granting necessary approval. Afterall, the issue had originated in 2022.

In view of the above and interest of justice, the respondent No.2 is directed to accord financial approval to the petitioners and take steps for release of salary to the petitioners including arrears as recommended by the concerned respondent authorities in the order dated 12.10.2023, in accordance with law and as expeditiously as possible, preferably within ten weeks from the date of communication of this order.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of requisite formalities.

[Jay Sengupta, J.]

