

15.03.2023
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AN/Ct. No.07

WPA 6578 of 2014

**Shyamal Kumar Sen
versus
State of West Bengal & ors.**

Mr. Debabrata Roy
Ms. Karabi Roy
Mr. Soumik Mondal
Ms. Sarbani Mukhopadhyay
Mr. Soura Sarkar

... for the petitioner

Mr. N. Ghosh Dastidar

... for the State

As prayed for by Mr. Roy, learned counsel for the petitioner leave is granted to the petitioner to add District Inspector of Schools (S.E.), Purba Burdwan as a party respondent to the instant writ petition as it has been submitted by Mr. Roy that the said D.I. is the concerned authority to decide the issue.

The petitioner has prayed for a writ in the nature of mandamus commanding the respondents to refix his scale of pay with effect from May 29, 2003 and for releasing all arrear salary together with interest and other consequential benefits till October 15, 2007.

The petitioner was appointed as an Assistant Teacher in Geography at Katwa R. K. Vidyapith under Post-graduate or Honors Degree holder category. His appointment was approved with effect from March 17,

2001. The petitioner claims to have obtained his post-graduate degree in Geography and thereafter applied before the School Authorities for higher scale of pay and the School forwarded such prayer of the petitioner to the District Inspector of Schools (S.E.), Burdwan (at present District Inspector of Schools (S.E.), Purba Burdwan) by a letter dated November 3, 2006. A copy of the resolution of the Managing Committee of the School recommending higher scale of pay (M.A. Scale) was also forwarded alongwith the said letter.

Mr. Roy, learned counsel for the petitioner submits that the petitioner is entitled to the post-graduate scale of pay with effect from May 29, 2003 but no decision has yet been taken by the District Inspector of Schools in that regard. Mr. Roy further submits that in the meantime the petitioner has joined as an Assistant Teacher at Nabadwip Hindu School, Nabadwip on the basis of his post-graduate qualification and he started getting the post-graduate scale of pay since October 16, 2007. Since the prayer for higher scale of pay is pending for consideration before the District Inspector of Schools (S.E.), Burdwan, this Court is of the considered view that interest of justice would be sub-served, if a direction is passed upon the concerned respondent authorities to dispose of the prayer of the petitioner for higher scale of pay by a reasoned order within a stipulated time frame.

Accordingly, the instant writ petition stands **disposed of** by directing the District Inspector of Schools (S.E.), Purba Burdwan to consider the prayer for higher scale of pay which was forwarded by the School Authority to the District Inspector of Schools (S.E.), Burdwan by letter dated March 3, 2006 and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner or his authorized representative and to communicate such decision. The entire exercise shall be completed within a period of 8 weeks from the date of communication of this order. Since the prayer for higher scale of pay was made as far back in the month of November, 2006 and the same was forwarded to the District Inspector of Schools (S.E.), Burdwan, the petitioner shall be obliged to submit a copy of the letter dated November 3, 2006 and other documents in connection thereto alongwith the copy of this order to the District Inspector of Schools (S.E.), Purba Burdwan. The petitioner will be at liberty to place reliance upon any notification, government orders, judgments and orders on the issue to support of his contention at the time of hearing.

There will be, however, no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)