

WPA 13748 of 2019

Aditi Biswas...--vs-The State of West Bengal & Ors

24.9.2024
ct.25, sl. 245
sk

Mr. Prahlad Ch. Ghosh
Mr. Subir Hazra
...for the petitioner

Mr. Mrinal Kanti Ghosh
.....for the State

1. Affidavit of service filed by the petitioner is taken on record.
2. The petitioner is aggrieved with the fact that she has not been granted higher scale of pay pursuant to her M.P.Ed. Degree, which she obtained in the year 2010. Hence, she has moved the present writ petition.
3. Prior to filing of the instant case, she has written a letter to seek redressal of her grievance as above, to the District Inspector of Schools, Secondary Education, District-Murshidabad, i.e. dated January 18, 2018.
4. Mr. Ghosh, learned advocate, appears for the writ petitioner and submits that the petitioner would be entitled to the higher scale of pay pursuant to her higher qualification of Master's Degree in Physical Education, which is the subject of her teaching also. Therefore, he seeks relief that the respondent authority should immediately grant his client, post graduate pay scale, from the effective date. The State/respondent has raised serious objections as to the prayer of the petitioner as

above, insofar as, it is stated, that the Hon'ble Larger Bench of the Court in the case of *Utpal Kanti Karan vs. State of West Bengal & Ors.* reported in *2024 SCC OnLine Cal 1274*, has decided otherwise.

5. Noted submissions of both the petitioner as well as the State/respondent.
6. Considering all above, this writ petition is being disposed of by directing the District Inspector of Schools, Secondary Education, Murshidabad to consider and dispose of the petitioner's representation dated January 18, 2018, by dint of a reasoned order and after giving an opportunity of hearing to the petitioner. In the process, the said respondent shall take into consideration whatever document or judgments of the Court may be relied on by the petitioner and/or others.
7. The said respondent authority shall dispose of the petitioner's representation as above, in accordance with law.
8. The exercise as above shall be concluded by the said respondent within a period of six weeks from the date of communication of copy of this order and by dint of a reasoned order.
9. The same if adverse to the petitioner shall be informed to her, within one week from the date of respondent's order.

10. The writ petition is disposed of.

11. Since no affidavit-in-opposition has been called for in this case, all allegations made in this writ petition are deemed to have been denied and disputed by the concerned respondent.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)