

D/L
Item No. 1
05.10.2020
(Video Conference)
Kole

WPA 6056 of 2012

Basudeb Roy
-Vs-
The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya),

...for the petitioner.

Mr. Supriyo Chattopadhyay, Adv.

Mr. Gourav Das, Adv.

.... For the State.

The petitioner was an Assistant School Teacher. He approached this Court by filing the present writ petition with the grievance that in the same school another teacher who was junior to him was drawing greater benefits. He relies on a memorandum dated 12 May, 2006 issued by the School Education Department, Government of West Bengal (Annexure P-4 to the writ petition). According to him, there was gross anomaly in the fixation of his benefits as he could not be paid less than what a teacher who is junior to him was getting paid. I understand that the petitioner has since retired from service. However, if he was entitled to higher pay than he actually received during the tenure of his service, he should be getting the benefit of the same.

I have heard learned Advocate for the petitioner and Mr. Chattopadhyay, learned Advocate, assisted by Mr. Das, Learned Advocate for the State. In my opinion, this is a fit

case which should be looked into by some high Authority in the administration.

Accordingly, I direct the Commissioner of School Education, Government of West Bengal (the post was previously known as Director of School Education), the respondent No. 2, to treat the pleadings and the annexures to the writ petition as a representation of the petitioner and take a reasoned decision in accordance with the applicable Rules/Regulations/Circulars/Memorandum within a period of 6 weeks from the date of service of a copy of this order along with a copy of the writ petition on him, after affording an opportunity of hearing to the petitioner or his authorized representative. The decision so taken shall be communicated to the petitioner within a week from the date of the decision. Needless to say that if the respondent no. 2 finds that the petitioner was indeed entitled to higher pay/benefits, he shall issue appropriate directions so that the legitimate dues of the petitioner are received by the petitioner at an early date.

I have not gone into the merits of the petitioner's claim. The respondent no. 2 shall take an informed decision in accordance with law.

WPA No. 6056 of 2012 is accordingly disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of necessary formalities.

(Arijit Banerjee, J.)