

18.12.2020
Item No.45
Daily List
Court No.25
Krishnendu

**W.P.A. No. 17309 of 2020
(VIA VIDEO CONFERENCE)**

In re: Smt. Madhabi Mukherjee
- Versus-
The State of West Bengal & Ors

Mr. Rajarshi Basu
Mr. Amajit De
For the Petitioner
Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
For the State

Affidavit of service filed by the petitioner
be kept on record.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner was initially appointed to the post of an assistant teacher in Asansol Agabeg Municipal High School (in short, the first school) on 4th August, 1987. Upon rendering continuous service for about 27 years, the petitioner applied for participation in the selection process conducted by the West Bengal Regional school Service Commission (in short, the said Commission) for appointment to the post of Headmistress. Having emerged to be successful in the same, the petitioner was recommended and appointed to the post of Headmistress in Nivedita Balika Bidyapith (High school) (in short, the second school) .

Drawing the attention of this Court to the document at page 35 of the writ petition, Mr. Basu submits that the petitioner's last pay in the first school was Rs.59,536.65 per month in the Grade Pay of Rs.6,600/- . Upon being appointed to the post of Headmistress, the petitioner was placed in a Grade Pay of Rs,5400/- and was paid salary of Rs.39,235/- per month. He further submits that a precondition for appointment to the post of Headmistress was 10 years' continuous teaching experience. Accepting her experience earned through uninterrupted service in the first school, she was recommended by the Commission and as such the authorities cannot place her at a lower scale of pay. Ventilating such grievances, a representation was submitted by the petitioner, through her learned advocate, to the respondent no. 8 on 1st April, 2019 but the same has not been considered.

Mr. Chattopadhyay, learned advocate appearing for the State respondents submits that the respondent no. 8 is the competent authority to take a decision as regards pay protection, as claimed by the petitioner.

In view thereof, this Court directs the respondent no. 8 to consider the representation submitted by the petitioner, through her learned advocate, on 1st April, 2019, annexed at page 25 of the writ petition, upon granting an opportunity of hearing to the petitioner and to take a decision, in accordance with law and to communicate the same to the petitioner within a period of six weeks from the date of communication of this order along with a copy of the writ petition.

Needless to observe, in the event the petitioner's claim deserves acceptance, all necessary follow up steps shall be taken by the respondents forthwith.

With the above observations and directions, the writ petition is disposed of.

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

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

(Tapabrata Chakraborty, J.)