

10.12.2020

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Court No.25
Video Conference

W.P.A. No. 8268 of 2020
Sarmistha Mandal Saudagar
- Versus -
State of West Bengal & Others

Mr. Ekramul Bari,
Ms. Tanuja Basak
... for the petitioner.

The present writ petition has been preferred claiming post-graduate scale of pay.

Mr. Bari, learned advocate appearing for the petitioner submits that the petitioner was appointed to the post of an Assistant Teacher of Chemistry under (Hons./ Post-Graduate) group with a qualification B. Sc. (Hons.) in Chemistry at Nazirpur Vidyapith (H.S.) (in short, the said school) on the recommendation of the West Bengal School Service Commission on 7th March, 2006. Before appointment in the said school, the petitioner passed the M. Sc. (Part-I) examination in Chemistry. After appointment, she took study leave for Part-II examination from the school authorities and thereafter, she passed the said examination on 4th August, 2006 and accordingly, became entitled to the post-graduate scale of pay. The school authorities forwarded the petitioner's claim to the respondent no.3 by a memo dated 25th August, 2018. Prior thereto, the petitioner also submitted a representation to the said

respondent no.3 on 17th July, 2018 but the same has not been considered.

No one appears for the respondents.

Upon hearing Mr. Bari and upon considering the materials on record, I am of the opinion that no useful purpose would be served by keeping the writ petition pending and the issue needs to be relegated to the respondent no.3.

Accordingly, this Court directs the respondent no.3 to consider the representation submitted by the petitioner on 17th July, 2018, as annexed at page 26 of the writ petition, upon granting an opportunity of hearing to the petitioner and the school authorities and to take a decision, in accordance with law and to communicate the same to the petitioner within a period of eight weeks from the date of communication of this order.

It is made clear that this Court has not gone into the merits of the petitioner's claim and all points are left open to be considered by the said respondent no.3.

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

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

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

(Tapabrata Chakraborty, J.)