

Sl No.30
18.02.2020.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 66 of 2019
Ilias Faruque
-versus
The State of West Bengal & Ors.**

Mr. Shubashis Misra
Mr. Sakhawat Khandakar
... for the petitioner.

Mr. Bikramaditya Ghosh
Mr. Momenur Rahman
... for the State respondents.

Mr. Amalesh Roy
Mr. Deborshi Dhar
... for DPSC, Cooch Behar.

The petitioner claims grant of 'A' category scale of pay to the Primary School Teachers in terms of the Memo No. 209-SE(E)/PTTI-7/2011 dated March 4, 2013.

According to the petitioner he is a trained teacher and is liable to be granted 'A' category scale of pay in terms of the aforesaid memo.

The petitioner approached the respondent authorities praying for grant of the aforesaid scale but the representations of the petitioner have not been answered till date.

The learned advocate representing the District Primary School Council, Cooch Behar very fairly submits before this Court that several matters are pending consideration on the self-same issue before the Commissioner of School Education (Primary Branch).

As it appears that the representation of the petitioner is pending consideration before the

respondents no useful purpose will be served by keeping the writ petition pending.

The same is accordingly disposed of by directing the Commissioner of School Education (Primary Branch) being the respondent no. 2 herein to consider the representation of the petitioner in terms of the aforesaid memorandum within a period of ten weeks from the date of communication of a copy of this order. The said respondent shall afford an opportunity of hearing to the petitioner and shall pass a reasoned order and communicate the same to the petitioner within a fortnight thereafter.

It is made clear that this Court has not gone into the merits of the claim raised by the petitioner and all points are left open to be decided by the said respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of his representation to the Commissioner of School Education (Primary Branch) at the time of communication of this order.

WPA 66 of 2019 is disposed of.

Affidavit-of-service filed in Court is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)