

**22.12.
2021**

Ct. No. 04

Ab

**FMA 2709 of 2013
With
CAN 1 of 2009 (Old No. CAN 676 of 2009)**

**Narayan Ch. Das
Vs.
The State of West Bengal and others.**

**Mr. Biswarup Biswas,
Mr. Gorachand Samanta.
... for the appellant.**

**Mr. Gourav Das,
Mr. V. Dhar.
... for the respondent no. 5.**

The affidavit of service filed in Court today is kept with the record.

Despite service there is no representation on behalf of the State. The School Authority, respondent no. 5 is represented.

The challenge is made to an order dated 3rd September 2008 passed in WP 20790(W) of 2008 whereby and whereunder the writ petition filed by the writ petitioner/appellant was dismissed.

The writ petitioner/appellant applied for a post graduate scale having acquired the post graduate degree in the year 1997. However, the School Authority was not given any recognition, which came to be recognized in the year 2000 and at the time of inspection by the District Level Inspection Team, the requisite qualification and the supporting documents could not be produced by the writ petitioner/appellant.

According to the writ petitioner/appellant, though he acquired the post graduate degree prior to 2000 or more precisely prior to the said inspection but the certificate was not given to him until 2005. Therefore, there was no occasion on the part of the writ

petitioner/appellant to produce such certificate at the time of inspection by such Team.

We peruse the certificate annexed to the application being CAN 1 of 2009 (Old No. CAN 676 of 2009) wherefrom it appears that the said certificate was signed by the competent authority on diverse date in the month of November 2005. Since the said certificate was issued in the year 2005, we find justification in the statement of the writ petitioner/appellant that at the time of inspection his post graduate degree could not be divulged.

We, thus, set aside the impugned order with a direction that the District Inspector of Schools (SE), Murshidabad, the respondent no. 3 herein, shall consider the representation made by the writ petitioner/appellant to the School Authority, which was transmitted to the said Authority vide Memo No. 29/2005 dated 4th October 2005 and dispose of the same within four weeks from the date of communication of this order in accordance with law.

It goes without saying that the respondent no. 3 shall communicate its decision to the writ petitioner/appellant as well as the School Authority within a week therefrom.

With these observations, the appeal is allowed.

Connected application being CAN 1 of 2009 (Old No. CAN 676 of 2009) is also disposed of.

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

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

