

S/L 34
09.03.2021
Court No.26
SD

**WPA 2382 of 2021
(Via Video Conference)**

Mou Adak
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Siddharth Sankar Mondal

...for the Petitioner.

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das

...for the State.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the respondent authorities in complying with their own order dated May 16, 2017 passed by the District Inspector of Schools (S.E.), South 24-Parganas.

The facts of the case are that upon a direction of a coordinate Bench of this Court, a reasoned order has been passed by the District Inspector of Schools (S.E.) on May 16, 2017 wherein Post Graduate scale of pay in favour of the petitioner with effect from October 23, 2011 was granted to the petitioner subject to the submission of approved study leave from the competent authority. The said condition of submission of approved study leave was also provided by the Secretary, West Bengal Board of Secondary Education by Memo No.24(S)-1103/18/G dated October 4, 2018.

According to me, nothing remains in this matter and the authority should have granted the higher pay scale to the petitioner. However, there has been complete inaction on the part of the authorities in spite of orders passed by their own officer.

I, accordingly, direct the respondent no.3 to grant the benefit of higher pay scale to the petitioner with effect from October 23, 2011 as provided in the order of the District Inspector of Schools (S.E.), South 24-Parganas dated May 16, 2017.

With these observations, this writ petition stands disposed of.

Since, no affidavit-in-opposition has been called for the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

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

(Shekhar B. Saraf, J.)