

06,DL,Ct.18.
28.01.2021
AJ.

W.P.A. 2498 of 2021

Subhash Mondal
-Vs-
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mrs. Ujani Pal (Samanta).
.....for the petitioner.

Mr. Tapan Kumar Mukherjee,
Ms. Saheli Mukherjee.
.....for the State.

Affidavit of service filed in Court today Mr. Sakti Pada Jana, learned advocate for the petitioner be kept with the record.

Leave is granted to Mr. Jana to add the Managing Committee of Dahakanda Siddiquia High Madrasah as party respondent in the present writ petition.

The petitioner is working as an Assistant Teacher in Mathematics in the said Dahakanda Siddiquia High Madrasah, South 24-Parganas.

The petitioner complains that his application for fixation of higher pay scale on the ground of enhancement of his qualification is pending consideration before the District Inspector of Schools (S.E.), South 24-Parganas, the respondent no. 3 herein, but the said respondent is delaying to consider the said application.

The petitioner prays that the said respondent may be directed to dispose of the said application expeditiously.

Mr. Tapan Kumar Mukherjee, learned senior advocate appearing on behalf of the State respondents submits that the claim of the petitioner is time-barred.

The respondent no. 3 is the authority to consider the claim of the petitioner for higher pay scale on account of enhancement of his qualification. The said respondent is, therefore, obliged to dispose of the said application.

W.P.A. 2498 of 2021 is, therefore, disposed of by directing the respondent no. 3 to consider the application of the petitioner dated March 05, 2018 appearing at page 33 of the writ petition being Annexure "P-6" for fixation of higher pay scale and to dispose it of by a reasoned order in accordance with law within a period of eight weeks from the date of communication of this order after giving opportunity of being heard to all concerned parties.

It is made clear that this Court has not gone into the merit of the claim of the petitioner; it is for the respondent no.3 to decide the same. All points including the point of limitation urged by Mr. Mukherjee is kept open to be decided by the respondent no. 3.

Since no affidavit has been invited from the respondents, allegations made in the writ petition are deemed to have been denied by the respondents.

The petitioner is required to serve a copy of the writ petition along with a copy of this order upon the respondent no.3.

There shall be no order for costs.

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

(Biswajit Basu, J.)