

S/L 24
12.01.2021
Court No.26
SD

**WPA 2407 of 2020
(Via Video Conference)**

Gourhari Bera
Vs.
State of West Bengal & Ors.

Mr. Soumen Dutta
Mr. Sabyasachi Bhattacharjee
Mr. Subhadeep Chatterjee

...for the Petitioner.

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal

...for the State.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated April 24, 2019 passed by the Deputy Director of School Education (G.A.), West Bengal wherein the proposal for issuance of prior permission for enhancement of higher qualification for obtaining higher scale of pay of the petitioner was rejected on the ground that he was over 50 years of age (as per para 8 of the G.O. No.593-SE(B) dated 27.11.2007).

The petitioner has filed a supplementary affidavit attaching the birth certificate of the petitioner that clearly shows that the petitioner was only 48 years old at the time of making the application in the year 2011.

In light of the same, the impugned order is quashed and set aside with a direction upon the Deputy Director of School Education (G.A.), West Bengal to pass a reasoned

order after granting an opportunity of hearing to the petitioner within a period of six weeks from date.

The Deputy Director of School Education (G.A.), West Bengal is also directed to communicate the reasoned order to the petitioner within a week from the date of passing the same.

With these observations, WPA 2407 of 2020 is 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.)