

Ct. 09.04  
No. 26 2021  
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akb

**W.P.A. 6977 of 2021**  
**Samar Adhikari**  
**-Versus-**  
**The State of West Bengal & Ors.**

**Mr. Ekramul Bari**  
**Ms. Tanuja Basak**  
**Mr. Siddhartha Sankar Mandal**     **...For the Petitioner**

**Mr. Supriya Chattopadhyay**  
**Ms. Iti Dutta**     **...For the State Respondents**

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 State authorities in granting him post facto approval that has been granted in similar cases of similarly placed employees.

It is to be noted that the School authorities have written to the District Inspector of Schools (SE), Barrackpore, North 24-Parganas and requested for the post facto approval to be granted for drawing Post Graduate Scale of Pay of the petitioner.

It is also to be noted that the petitioner has been enjoying this Post Graduate Scale since January 01, 1990 till his retirement.

Mr. Supriya Chattopadhyay, learned Counsel appearing on behalf of the State respondents has submitted a document dated March 10, 2021 that indicates that the District Inspector of Schools (SE), Barrackpore, North 24-Parganas has forwarded the case of the petitioner to the Joint Secretary (Secondary Branch), School Education Department, Government of West Bengal, Bikash Bhawan, seeking directions from the authority for granting post facto

approval. The copy of the said document dated March 10, 2021 is kept with the record.

From the facts it is clear that this is a mere approval to be granted and several such approvals have been granted in the post for similarly placed people.

Accordingly, I direct the School Education Department, Government of West Bengal, Bikash Bhawan, to grant the post facto approval in the case of the petitioner within a period of four week from the date of communication of this order. Subsequent to the same being done if in favour of the petitioner, his pensionary benefits along with the retiral dues be released after completion of all the formalities expeditiously.

The reasoned order should be communicated to petitioner within a week from the date of passing such reasoned order

With the aforesaid observation the writ petition 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, on priority basis.

**( Shekhar B. Saraf, J.)**