

06 08.11.2021
rkd Ct.05

W.P.A. 14101 of 2021
(Through Video Conference)

Sabiha Khatun

-vs-

The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee,
Mr. Nirmalya Kumar Das

....for the petitioner.

Mr. Pinaki Dhole,
Mr. Sayan Ganguly

....for the State.

Affidavit-of-service filed in Court is taken on
record.

Writ petitioner is an approved assistant teacher in a Government aided Madrasah who after implementation of Revision of Pay and Allowances Rules 2019 (ROPA, 2019) opted to receive the benefit of revised pay by exercising option on 25th January, 2020 on and from 1st January, 2016. Subsequently, the writ petitioner realised that instead of opting the benefit of revised pay with effect from 1st January, 2016 if such benefit would have been extended to her with effect from 1st July, 2017 in that event the petitioner would have been benefited more since the benefit for completion of 18 years' continuous service would merge with benefit of revised pay in terms of ROPA, 2019. Having realised writ petitioner approached the teacher-in-charge of the concerned Madrasah

where she is working by submitting a letter dated 18th February, 2020 and ultimately the issue was considered by the Additional District Inspector of Schools (SE), Uluberia Sub-Division, Howrah which is reflected from Memo dated 11th January, 2021. From perusal of the said Memo dated 11th January, 2021 it appears that Additional District Inspector of Schools has duly noted the fact that if the writ petitioner would have opted for revised pay in terms of ROPA, 2019 with effect from 1st July, 2017 in that event the basic pay of the writ petitioner would have been fixed at enhanced rate. Vide said Memo dated 11th January, 2021 the issue was forwarded to the Director of Madrasah Education, West Bengal, for taking final decision. The writ petitioner prays for consideration of the entire issue by the said Director of Madrasah Education, respondent no.2.

The State respondents are represented by Pinaki Dhole, learned advocate who has submitted that since the concerned Additional District Inspector of Schools has already forwarded the issue to the respondent no.2 the same can be considered by the respondent no.2 in accordance with law.

Having considered the submissions made

on behalf of the respective parties to this writ petition this Court directs the Director of Madrasah Education, West Bengal, respondent no.2 to take decision on the issue as forwarded by the Additional District Inspector of Schools (SE), Uluberia Sub-Division, Howrah vide Memo dated 11th January, 2021 within a period of twelve weeks from the date of communication of this order after giving opportunity of hearing to the writ petitioner and other interested parties and pass a reasoned order in accordance with law. The order which is to be passed by the respondent no.2 will be communicated to the writ petitioner within two weeks thereafter.

With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)