

08 20.09.2021
rkd Ct.05

W.P.A. 14401 of 2021
(Through Video Conference)

Nabendu Bikash Das

-vs-

The State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas

....for the petitioner.

Mr. Nilotpal Chattterjee

....for the respondent.

Md. Talay Masood Siddiqui

....for the State

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

Writ petitioner is an Assistant Teacher in a Government aided Secondary School who was appointed on 16th July, 2001. Writ petitioner prays for sanction of postgraduate scale of pay in view of acquiring higher qualification after joining the post of assistant teacher. Attention has been drawn to the resolution of the Managing Committee of the concerned school dated 16th December, 2002 wherefrom it appears that the Managing Committee resolved in favour of the petitioner on his entitlement to receive postgraduate scale of pay on acquisition of higher qualification. Writ petitioner has made a representation on 27th March, 2021 to the administrator of the school with a copy to the District Inspector of Schools (S.E.) Murshidabad for

sanction of higher scale of pay. According to the writ petitioner, the said representation is pending for consideration.

Mr. Siddiqui, learned advocate appears on behalf of the State respondents and submits that since the representation is pending before the authority it may be considered by the appropriate respondent authority in accordance with law.

Considering the submissions made on behalf of the parties this Court directs the District Inspector of Schools (S.E.) Murshidabad to take a decision on the representation of the writ petitioner dated 27th March, 2021, page 31 of the writ petition, if the Office of the District Inspector of Schools has received the same by this time. The concerned District Inspector of Schools, being respondent no.5, is directed to pass a reasoned decision on such representation, in the event of receipt of the said representation, within a period of twelve weeks from the date of communication of this order in accordance with law and communicate the said decision to the writ petitioner within a period of two weeks thereafter.

It is made clear that Court has not gone into the merit to the writ petition and all points are kept open for consideration by the respondent no.

5.

Accordingly, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Saugata Bhattacharyya, J.)