

W.P.A. 15267 of 2021

**Baidyanath Murmu
Vs.
The State of West Bengal & Ors.**

Ms. Sreelekha Bhattacharyya
Ms. Ankita Dey

... ... for the petitioner

Mr. Taptan Kumar Mukherjee, AGP
Ms. Saheli Mukherjee

... ... for the State

Writ petitioner is an Assistant Teacher though who was appointed with effect from 19th March, 2001 but inadvertently in the approval Memo dated 20th June 2001 the date of appointment of the writ petitioner was stated 19th March, 2000 instead of 19th March, 2001.

Writ petitioner approached the concerned authorities for correction of his date of appointment and ultimately the District Inspector of Schools (S.E.), Hooghly by issuing Memo dated 10th July, 2018 corrected the date of appointment of the writ petitioner, i.e., 19th March, 2001.

Ms. Sreelekha Bhattacharyya, learned Advocate appears on behalf of the writ petitioner and submits that in view of correction of date of appointment of the writ petitioner certain difficulty arose in granting 18 years' benefits to the writ petitioner as well as pay fixation which is required to be made in terms of ROPA-2019 Rules.

In this regard, it has been submitted, the headmaster of the school where the writ petitioner is serving approached the concerned District Inspector of Schools (S.E.), Hooghly vide letter dated 15th October, 2020 for doing the needful so that the pay fixation can correctly be made in terms of ROPA-2019 Rules.

On behalf of the writ petitioner prayer is made to give necessary direction upon the concerned respondent authorities for fixation of pay of the writ petitioner in terms of ROPA-2019 Rules as well as grant of 18 years' service benefits from a particular date considering the date of the appointment of the writ petitioner on 19th March, 2001.

Mr. Taptan Kumar Mukherjee, learned Additional Government Pleader appears on behalf of the State respondents and submits that since the issue is pending before the District Inspector of Schools (S.E.), Hooghly, necessary direction may be given upon the State authorities for fixation of pay of the writ petitioner as per ROPA-2019 Rules and to grant 18 years' service benefits accordingly.

Having considered the submissions made on behalf of the respective parties, this Court directs the District Inspector of Schools (S.E.), Hooghly, respondent No.2, to take a decision on the letter of the headmaster of Dharampur Adarsha Vidyalaya, District – Hooghly dated 15th October, 2020 within a period of 12 weeks from the

date of communication of this order and communicate the decision within a period of two weeks thereafter.

The respondent No.2 is further directed to grant opportunity of hearing to the writ petitioner and the school authority where the writ petitioner is serving prior to taking such decision.

With the above direction, 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 this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)