

12 29.09.2021
rkd Ct.05

W.P.A. 14745 of 2021
(Through Video Conference)

Shilpi Paul

-vs-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

....for the petitioners.

Mr. Sirsanya Bandopadhyay,
Mr. Arka Nag

....for the State.

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

Writ petitioner was an Assistant Teacher in
a Government aided recognized school viz.
Ramkrishna Saradmoni Girls Vidyapith and
subsequently appointed as Assistant Teacher on
Bhutsahar Girls' High School, Dist-Bankura (for
short 'said school'). Petitioner's appointment as
Assistant Teacher in the said school was with effect
from 19th September, 2018.

Mr. Bhattacharya, learned advocate
appears on behalf of the petitioner and submits
that the petitioner is receiving salary in
postgraduate scale of pay in the said school but the
petitioner is aggrieved by the pay fixation made by
the concerned respondent authorities with effect
from 19th September, 2018 without considering the
past approved service of the writ petitioner in

previous school. According to petitioner in the previous schools also she was enjoying postgraduate scale of pay. Writ petitioner prays for pay protection while fixing her pay with effect from 19th September, 2018 considering her postgraduate scale of pay which she was receiving in the previous school. During course of hearing reliance has been placed on Government order dated 1st August, 2019 issued by the Principal Secretary, School Education Department, which according to the writ petitioner extends the benefit of pay protection to the writ petitioner and such benefit should be forthwith given to her. One representation has been preferred by the writ petitioner on 8th August, 2019 addressed to the Principal Secretary, School Education Department, seeking grant of pay protection in connection with her service in Bhutsahar Girls' High School with effect from 19th September, 2018.

Mr. Banerjee, learned Jr. standing counsel appears on behalf of the State and submits that the Government order dated 1st August, 2019 which has been relied upon by the writ petitioner during course of hearing may not be application in the case of the writ petitioner since the writ petitioner has joined the present school in terms of a transfer

order.

This Court has considered the rival contentions of the parties and finds it fit to direct the Principal Secretary, School Education Department, being the respondent no.2 to take decision on the representation of the writ petitioner dated 8th August, 2019, page 37 of the writ petition, within a period of twelve weeks from the date of communication of this order upon consideration of the relevant circulars including the Circular dated 1st August, 2019 being No.914-SE/S/5P-03/19 relating to grant of pay protection to the teachers who join new posts in different schools. The respondent no.2 is directed to give opportunity of hearing to the writ petitioner as well as the school authority of Bhutsahar Girls' High School, and also the District Inspector of Schools (S.E.), Bankura before taking such decision. Respondent no.2 shall communicate reasoned order within a period of fortnight thereafter. If the prayer of the writ petitioner is refused, the respondent no.2 is directed to assign reasons in support of the same.

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.)