

25.03.2021

ss

W.P.A.17274 of 2019

Joyita Saha
Vs.
The State of West Bengal & ors.

Mr. Mrinal Kanti Ghosh
... for the Petitioner

Mr. Susanta Pal
Ms. Kakali Samajpaty
... for the State

Leave is granted to the petitioner to add the Commission of School Education as a party-respondent in this proceeding and serve copy of the writ petition upon him.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated July 25, 2020 passed by the District Inspector of Schools (S.E.), Purba Bardhaman, rejecting the higher scale of pay to be granted to the petitioner on the ground that the grievance was raised before the District Inspector of Schools (S.E.), Hooghly.

It is to be noted that this is a second round of litigation and an order had been passed by the coordinate Bench of this High Court on April 22, 2019 directing the District Inspector of Schools (S.E.) concerned to consider the issue with regard to grant of higher scale of pay. Since such order is passed by the High Court, the authority concerned cannot reject the same on the grounds that have been provided in the impugned order.

Accordingly, I direct the Commissioner of School Education, Government of West Bengal, to decide on the issue as to whether the petitioner is eligible to get higher scale of pay as per the existing Government Orders after granting an opportunity of hearing and pass a reasoned order within a period of six weeks from date. The reasoned order is to be communicated to the petitioner within two weeks thereafter.

With the above directions, this writ petition is disposed of.

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

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)