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W.P.A. 17580 OF 2019

(Through Video Conference)

Goutam Bera

Vs.

The State of West Bengal & Ors.

Mr. Saktipada Jana

... For the Petitioner

Mr. Pinaki Dhole

Ms. Tapati Samanta.

... For the Respondents/
State.

1. This is an application under Article 226 of the Constitution of India wherein the petitioner is aggrieved by inaction on the part of the respondents in considering his prayer for higher scale of pay due to enhancement of his qualification. He also prays for setting aside the order dated March 4, 2009 passed by the Director of School Education, West Bengal rejecting his prayer for higher scale of pay.

2. I have heard counsel appearing on behalf of both the parties. It is clear from records that the petitioner had been pursuing his Post Graduation prior to 2006, when he was appointed as an assistant teacher. It is to be further noted that he completed his Post Graduate course in the year 2006, i.e., prior to coming into effect of the G.O. 593 of 2007.

3. In light of the above, the order dated March 4, 2009 is quashed and set aside and the Commissioner of School Education is directed to grant an opportunity of hearing within four weeks from date of communication of this order and pass a reasoned order within a week thereafter on the representation made by the petitioner dated July 30, 2019 (Annexure P₁₀ , page 36 of the writ petition).

4. If the petitioner's prayer deserves acceptance, follow up steps shall be taken without undue delay in accordance with law; on the contrary, if the petitioner's prayer is not found to be acceptable, a reasoned order shall be passed and communicated to him.

5. With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)