

Item No.2

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

16.07.2021
Ct-24

WPA 27598 of 2017

Mihir Kumar Mondal

v.

The State of West Bengal & Ors.

Mr. Pinaki Dhole

Mr. Avishek Prasad

... for the State.

Ms. Tapati Samanta

... for the respondent no. 4

None appears in support of the writ application.

The petitioner has prayed for a direction upon the respondent authorities to revise the scale of pay according to his improved qualification in terms of the Memorandum dated March 7, 1990.

Learned advocate appearing on behalf of the District Library Officer, Dakshin Dinajpur submits that similar type of matters were taken up for consideration by the Hon'ble Division Bench of this Court and by a judgment dated May 4, 2018 passed in the matter of Pradip Kumar Karak & Ors. v. The State of West Bengal & Ors., in MAT No. 36 of 2021, reported in (2018) 4 CHN(Cal) 131 the Hon'ble Court has been pleased to lay down the law that the librarians, who have acquired

higher qualifications before the cut off date that is July 21, 1990 are entitled to claim benefit in terms of the aforesaid memorandum. It has been specifically laid down that the librarians who acquired higher qualifications after July 21, 1990 has no legal right to move the writ petition for enforcement of the terms of the Memorandum dated March 7, 1990.

A Special Leave Petition preferred challenging the order passed by the Hon'ble Division Bench has already been dismissed by the Hon'ble Supreme Court by an order dated September 24, 2018 passed in Petition for Special Leave to Appeal(C) No. 23314 of 2018 in the matter of Samir Kumar Goswami v. State of West Bengal & Ors.

The petitioner has averred in his writ petition that he obtained higher qualification in the year 1996.

In view of the law laid down by the Hon'ble Division Bench no relief can be granted to the petitioner in the instant writ petition.

The writ petition stands dismissed.

Urgent photostat certified copy of this order, if applied for be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)