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SK
Ct. No. 18
22.01.2021

**W.P.A. No. 9018 of 2020
(Via Video Conference)**

**Md. Hafizur Rahman Mollah
Vs.
The State of West Bengal & Ors.**

Mr. S. Pratick Shyamal,
Mr. Pradeep Kumar,
Mr. S. M. Ismail ... For the petitioner.

Ms. Chaitali Bhattacharya,
Mr. Karthik Chandra Kapas
... For the State respondents.

Affidavit of service filed in Court today be kept with
the record.

The petitioner is an Assistant Teacher of Arabic at
Sitapur Endowment Senior Madrasah. He applied for
higher pay of scale on the ground of enhancement of
his qualification.

The prayer of the petitioner for higher pay scale was
turned down by the Additional District Inspector of
Schools (S.E.) Serampore, Hooghly, the respondent
no. 4 herein vide its Memo No. 190/SER dated
September 8, 2020 on the ground that the claim is not
in accordance with G.O. No. 593-SE (B) dt:
27.11.2007.

The petitioner by the instant writ petition is praying
that a writ of mandamus be issued commanding the
respondents the particularly respondent nos. 3 and 4

to fix higher pay scale on the ground of enhancement of his qualification.

Mr. S. Pratick Shyamal, learned advocate appearing on behalf of the petitioner submits that the petitioner by his representation dated October 3, 2020 to the District Inspector of Schools (S.E.), Hooghly and Additional District Inspector of Schools (S.E.), Serampore, the respondent nos. 3 and 4 herein has prayed for reconsideration of his prayer for higher pay scale.

Mr. Shyamal further submits that during the pendency of this writ petition, the respondent no. 4 vide Memo bearing No. 216/SER dated October 15, 2020 has forwarded the said representation dated October 03, 2020 to the respondent no. 3 for consideration.

He, therefore, prays that the respondent no. 3 may be directed to dispose of the said representation in accordance with law.

Mr. Shyamal files a copy of the said Memo dated October 15, 2020 which is taken on record.

Ms. Bhattacharya, learned counsel appears on behalf of the State respondents and submits that the petitioner is not entitled to get the higher scale of pay for his enhancement qualification as the same was not done after taking necessary permission from the concerned authority.

The propriety of the claim of the petitioner is under consideration of the respondent no. 3. This Court feels that justice would be sub-served, if the said respondent is directed to dispose of the representation of the petitioner dated October 3, 2020 which has been forwarded to him by the respondent no. 4 expeditiously in accordance with law.

It is made clear that this Court has no occasion to go into the propriety of the claim of the petitioner, it is for the respondent no. 3 to decide the same.

Since no affidavit has been invited from the respondents, the allegations made in the writ petition are deemed to have been denied by the said respondents.

W.P.A. 9018 of 2020 is disposed of with the above terms.

No order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)