

03
25.01.2022
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 251 of 2022
(Via Video Conference)**

**Bhagirath Halder
-versus
The State of West Bengal & Ors.**

**Mr. Ashis Kumar Paul,
Mr. Arun Kumar Das.
...For the Petitioner.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Arindam Chattopadhyay.
...For the State.**

**Mr. Nilay Baran Mondal.
...For the Council.**

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

Leave is granted to the learned advocate on record of the petitioner to rectify the typographical error which is appearing in the description of the respondent Nos.4 and 5 in the cause title of the writ petition.

The petitioner seeks 'A' category scale of pay. According to the petitioner, as per the order passed by the Hon'ble Division Bench of this Court on 13th January, 2020 in FMA 804 of 2019 with CAN 8193 of 2019 (Chairman, District Primary School Council, Nadia -vs- Tapan Kumar Halder & Ors.) the Court has

been pleased to extend the benefit of 'A' category scale of pay to the petitioner therein.

The petitioner prays that similar order be passed in his case.

The petitioner filed a representation before the Chairman, District Primary School Council, Purba Bardhaman on 9th December, 2021 and alleges that the same has not been taken into consideration till date.

As it appears that the representation of the petitioner praying for approval of 'A' category scale of pay is pending consideration at the end of the Chairman, District Primary School Council, Purba Bardhaman, accordingly, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly, disposed of by directing the respondent No.5 being the Chairman, District Primary School Council, Purba Bardhaman to consider the representation filed by the petitioner strictly in accordance with law and in the light of the judgment passed by the Hon'ble Division Bench in the aforesaid matter.

A decision shall be taken by the aforesaid respondent, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward a copy of his representation dated 9th December, 2021 along with all supporting documents including the order of the Hon'ble Division Bench mentioned hereinabove to the aforesaid respondent at the time of communicating the order of this Court.

It has been submitted by the petitioner that he is entitled to upper level pay instead of 9th level which he is being paid presently.

The petitioner has raised this issue in his representation. The aforesaid respondent shall also consider the prayer of the petitioner for grant of pay in the upper level in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)