

17.06.2022.
Court No.13
Item No. 41
pk

W.P.A. No. 2118 of 2019

**Biswajit Sarkar
Versus
State of West Bengal and others**

Mr. Gazi Faruque Hossain,
Mrs. Chandra Paul,
Ms. Priyanka Mondal

...For the petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Tapati Samanta.

..For the State.

The writ petitioner is aggrieved by an order dated 14th September, 2018 passed by the Director of Mass Education Extension, West Bengal. The said order was passed to a direction of a Co-ordinate Bench dated 30th July, 2018 passed in WP No. 5581 (W) of 2018.

The petitioner had demanded pay scales similar to one Samir Roy, Head Clerk-cum-Cashier and Kamaleswar Mukhopadhyay, Accountant. The principal argument advanced is based on pay fixation under the ROPA 1998 for handicapped institution, sponsored and aided by the Mass Education Extension Department. In the said notification, a Clerk-cum-Typist, Accountant and Head Clerk-cum-Cashier have the same pay scale.

It is submitted by counsel for the petitioner that since two other persons, namely, Samir Roy, who is

head Clerk cum Cashier and Kamaleswar Mukhopadhyay, who was Accountant, are having same pay scale, the petitioner also ought to be given the pay scale similar to that of the two persons.

This Court finds that reference is made to a decision of the Co-ordinate Bench of this Court in the case of Samir Roy Vs. State of West Bengal and others dated 16th October, 2015 being WP No. 30346 (W) of 2008. Portions of the said judgement, which referred to a decision of the Supreme Court on equal pay for equal work have been set out in the impugned order. Appropriate reasons have been given to distinguish the work performed by the petitioner from that of Samir Roy and Kamaleswar Mukhopadhyay. It was found that the work of Clerk-cum-Typist cannot be equated with the work performed by a Head Clerk-cum-Cashier and Accountant.

This Court finds at the reason given by the Director in the impugned order are sound and call for no interference.

Hence, the writ petition is disposed of and a similar decision had been rendered by this Court in WPA 2120 of 2019 by order dated 7th June, 2022.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

