

07.06.2022.
Court No.13
Item No. 41
ap

W.P.A. No. 2120 of 2019

**Udbuddha Sengupta
Versus
The State of West Bengal & Ors.**

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal.

...For the petitioner.

Mr. Supriyo Chattopadhyay,
Ms. Tapati Samanta.

...For the State.

As all the relevant documents necessary for the decision in the instant case are available on record, this Court does not deem it necessary to call for affidavits in the matter.

The writ petitioner challenges an order dated 20th September, 2018, passed by the Director of Mass Education Extension, West Bengal & Ex-officio Additional Secretary to the Government of West Bengal rejecting the petitioner's claim of Pay Scale of Rs.4000 – 8850/-.

The principal ground urged is that the petitioner was appointed along with Mr. Samir Roy, Head Clerk-cum-Cashier and Mr. Kamaleswar Mukhopadhyay, Accountant of the same School, both of whom are enjoying such higher scale of pay.

In the impugned order, the Director has discussed all the facts leading to the appointment of the petitioner and the said two persons. Reliance is

being placed on a decision of a Co-ordinate Bench of this Court dated 16th October, 2015 passed in W.P. No. 30346 (W) of 2008 on the question of equal pay for equal work discussing all the decision in the subject. It was found by the Co-ordinate Bench that the petitioner's responsibility of work as a Warden are distinctly different from that of a Head Clerk-cum-Cashier and Accountant respectively.

It is in those circumstances, the Director has held that the duties, obligations and the responsibilities of the petitioner are distinctly different from that of the said Samir Roy and Kamaleswar Mukhopadhyay.

Counsel for the petitioner has placed reliance on a ROPA for Handicapped Institution Sponsored Aided by Mass Education Department dated 30th March, 1999. There is indeed equal scale for Handicapped Superintendent, Warden etc. and Clerk-cum-Typist and Clerk-cum-Librarian. The school in which the petitioner works clearly has a different nomenclature and categories of work.

It is clearly seen in the instant case that the said other two persons, namely, Samir Roy and Kamaleswar Mukhopadhyay are the Head Clerk-cum-Cashier and Accountant respectively. The job of both a Head Clerk-cum-Cashier and Accountant are higher in responsibility, as opposed to that of a Warden in the

scales pattern approved by the Board for the school in which the petitioner works.

This Court, therefore, does not find any infirmity in the impugned order.

In view of the above, no order can be passed in the instant writ petition in favour of the petitioner and the same is disposed of.

There will be no order as to costs.

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.)