

26.08.2022.
Court No.13
Item No. 31
ap

**I.A. No. CAN 1 of 2018 (Old CAN 7912 of 2018)
In
W.P.A. No. 9621 of 2018**

**Murari Mohan Bera
Versus
The State of West Bengal & Ors.**

Mr. Anindya Bose,
Mr. Chandrachur Chatterjee,
Mr. Diptendu Mondal,
Mr. Nikhil Gupta.

...For the petitioner.

Mr. Raja Saha,
Mr. S.P. Lahiri.

...For the State.

In Re: CAN 1 of 2018 (Restoration)

Sufficient grounds are available to explain the absence of the petitioner and/or his Counsel on 1st August, 2018 before a Co-ordinate Bench of this Court.

The said order is recalled and the writ petition is restored to its file and number.

Accordingly, CAN 1 of 2018 is disposed of.

There will be, however, no order as to costs.

In Re: W.P.A No. 9621 of 2018

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

The petitioner is aggrieved by an order dated 6th February, 2018 passed by the District Inspector of Schools (SE), South 24 Parganas. The petitioner

retired from service of Sitarampur Siksha Niketan High School, District – South 24 Parganas on 1st June, 2010. The first writ petition being W.P. No. 25985 (W) of 2013 was filed on the ground that Junior Teachers in the School were paid more remuneration than him. A Co-ordinate bench of this Court directed the concerned District Inspector of Schools (SE) to consider the petitioner's representation.

The writ petitioner thereafter moved a second writ application being W.P. No. 27976 (W) of 2017 making the same prayer and was aggrieved that the District Inspector of Schools (SE), South 24 Parganas had not dealt with his grievance. A Co-ordinate Bench of this Court directed consideration on 22nd November, 2017. The impugned order was passed thereafter on 6th February, 2018.

It appears from the impugned order that the petitioner was given a personal hearing on 21st October, 2016. The petitioner's allegation before the District Inspector of Schools (SE), South 24 Parganas on the date of hearing was in connection with the Pay and Allowances being given to one Mrs. Sumita Mondal (Duwari), Assistant Teacher of another school, namely, Belomoni Girls' High School.

The petitioner could not produce any documents evidencing such higher benefits to the said Sumita Mondal (Duwari), in course of such hearing.

After hearing was concluded, the petitioner by a communication dated 24th October, 2016, referred to one Kamal Krishna Mondal also working in the same School as the petitioner getting a Higher Pay Scale and benefits. There are no documents submitted in support of the petitioner's claim.

This Court is of the view that the petitioner's claims are whimsical and illusory. Three several rounds of litigation have ensued on the basis of such illusory claim.

This Court does not find any infirmity with the order of the District Inspector of Schools (SE), South 24 Parganas.

No relief can be granted to the writ petitioner in this writ petition. The instant writ petition must fail and is hereby dismissed.

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.)