

27 08.9.2022
Sc Ct. no.22

WPA 17472 OF 2022

Md. Mushahabur Rahaman & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Shaunak Ghosh
Mr. Sourav Mondal.

.... For the Petitioners

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey.

.... For the State

Since multiple petitioners are there who filed this single writ petition, the petitioners are directed to pay separate and individual court fees as applicable in law with the concerned department within a period of seven days. Subject to payment of the said court fees, this order will be effected.

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

Despite service, none appears for the respondents, nor any accommodation has been sought for.

Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader present in Court, is requested to appear with a junior of his choice and hold the brief for the State. The engagement of Mr. Vaisya and his junior Mr. Suman Dey, in this matter, be regularised forthwith accordingly.

The petitioners are the teaching and non-teaching staff of ***Kanakpur Madrasah Siksha Kendra, District –***

Purba Medinipur. They claim parity of pay scale as per **ROPA, 2019.** The petitioners made representation dated July 18, 2022, **Annexure-P19** to the writ petition (at page 134).

The grievance of the petitioners as submitted by Mr. Shaunak Ghosh, learned counsel appearing for the petitioners is that the said representation has not yet received attention of the relevant respondent authorities to whom it was made.

In view of the above, this court is of the considered view that the respondent no.2 shall consider the said representation dated July 18, 2022, **Annexure-P19** to the writ petition after giving a prior hearing notice of at least seven days to the petitioners individually and then after affording an opportunity of hearing to them through their representative shall dispose of the representation by passing a reasoned decision/order.

The entire exercise, as directed above, shall be carried out by the respondent no.2 within a period of eight weeks from the date of communication of this order. The respondent no.2 then communicate this reasoned decision/order to the said authorised representative of the petitioners within a further period of two weeks from the date of the said reasoned decision/order to be passed.

In the event the said reasoned decision/order goes in favour of the petitioners, the respondent no.2 shall take all further steps to give an effect to the said order

and the necessary benefits in accordance with law to the petitioners within a further period of six weeks from the date of communication of the said reasoned decision/order to the authorised representative of the petitioners.

It is further made clear that this Court has not gone into the claim of the petitioners in this writ petition. All points shall be kept open to the petitioners to be urged before the respondent no.2 relying upon whatever records and documents they want to rely upon.

Since affidavits are not called for, the allegations in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition, **WPA 17472 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)