

Item No.45

13.01.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 20319 of 2021
Md. Sahadullah
v.
The State of West Bengal & Ors.

Mr. Khandekar Moazzem Hossain
... for the petitioner.

Mr. Pinaki Dhole
Mr. Avishek Prosad
... for the State respondents.

The petitioner is a primary school teacher. He seeks 'A' category scale of pay. He was initially granted 'A' category scale of pay but thereafter the same stood withdrawn.

The Sub-Inspector of Schools, Ratua New Circle, Malda by a communication dated November 8, 2021 sought a clarification from the Secretary, District Primary School Council, Malda as to whether the petitioner will be entitled to receive pay in accordance with category 'A'. There is no response from the District Primary School Council, Malda till date.

The petitioner has relied upon a judgment delivered by this Court in WP 3217(W) of 2017 and claims that relying upon the said judgment he is entitled

to get benefit of 'A' category scale of pay. The judgment is however not annexed to the writ petition.

Be that as it may, as it appears that the clarification sought for by the Sub-Inspector of Schools, Ratua New Circle, Malda is pending consideration at the end of the Secretary, District Primary School Council, Malda, accordingly, the instant writ petition is disposed of by directing the Secretary, District Primary School Council, Malda to clarify as to whether the petitioner will be entitled to receive the 'A' category scale of pay.

The Secretary, District Primary School Council, Malda shall take steps to decide as to whether the petitioner will be entitled to 'A' category scale of pay strictly in accordance with law and in the light of the judgment referred to by the petitioner mentioned hereinabove at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The petitioner is directed to forward copies of the supporting documents for receiving 'A' category scale of pay to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)