

Court No. 22
08.9.2022
(Item No. 40)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 19783 of 2022

Mukhtar Alam
VS
The State of West Bengal & Ors.

Sk. Hossain Ali
..... for the petitioner
Mr. Ranjan Saha For the State
Mr. Nadeem Sulaiman
..... for the Madrasah Board

Sk. Hossain Ali, learned advocate appears for the petitioner.

Mr. Nadeem Sulaiman, learned advocate appears for the State.

Mr. Ranjan Saha, learned advocate is present in Court who normally appears for the State. Considering the issues involved in this writ petition the Court requests Mr. Saha, learned State counsel to hold the brief in this matter and the office of the learned Government Pleader is requested to regularize his appointment in this matter forthwith.

The petitioner claims to be an **Assistant Teacher** at **Panchagram Fatedange Junior High Madrasah**, District – Purulia with effect from December 21, 1983. The appointment of the petitioner at the post of **Fazil** was approved with effect from May 1, 1995 by the District Inspector of Schools under a memo dated December 6, 1996. The relevant School Authority in its resolution dated December 30, 1998 approved for the higher pay scale and recommended for the same. Necessary representation

was also made dated June 28, 2017 by the relevant Madrasah before the District Inspector of Schools.

The grievance of the petitioner is that, the petitioner having due qualification still has not been granted with the higher pay scale.

Considering the issues involved in the writ petition and the relevant claims there under, this Court is of the considered opinion that, in the event the petitioner files a comprehensive representation on or before September 30, 2022, the appropriate authority of the respondent shall consider the same and dispose of with a reasoned order.

In the event, such comprehensive representation is made as directed above, the respondent No. 2 upon issuing seven days prior hearing notice to the petitioner and the respondent No. 6 and after affording an opportunity of hearing to them shall dispose of and shall pass a reasoned order on such comprehensive representation of the petitioner.

The entire exercise, as directed above, shall be carried out and complete within a period of eight weeks from the date of receipt of such comprehensive representation of the petitioner. The respondent No. 2 then communicate his reasoned decision/order to the petitioner and the respondent No. 6 within a further period of two weeks from the date of the said reasoned decision/order to be passed. The Managing

Committee of the School, namely, the respondent No. 6 can be represented through its authorized representative before the respondent No. 2 at the time of hearing.

In the event, the said reasoned order/decision goes in favour of the petitioner, the respondent No. 2 and the respondent No. 6 shall take all further steps and necessary steps in accordance with law to give effect to the said reasoned decision/order in favour of the petitioner within a further period of six weeks from the date of communication of the said reasoned order/decision.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner. All points shall be kept open to the petitioner and the concerned parties during the hearing before the second respondent.

Since affidavits have not been 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 being **WPA 19783 of 2022** stands disposed of.

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

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)