

13 15.9.2022
Sc Ct. no.22

WPA 18423 OF 2019

Sri Chandan Mondal
Vs.
State of West Bengal & Ors.

Ms. Maheswari Sharma
Ms. Tulika Banerjee.

.....For the Petitioner

Mr. Ranjan Saha

..... For the Respondent
Nos. 1 to 4.

Pursuant to the direction made on September 10, 2022, a notice has already been served upon the respondent nos. 5 and 6. Affidavit-of-service filed in this regard, is taken on record.

Despite notice the respondent nos. 5 and 6 chose not to appear today.

The petitioner works as an **Assistant Teacher, History** since November, 2008 at **Amdanga High School (H.S.), District – North 24-Parganas**. He seeks for the higher pay scale.

The managing committee of the said school by its forwarding letter dated august 19, 2015, sent the prayer for the petitioner for consideration before the fourth respondent along with a copy of the representation made by the petitioner dated March 2, 2015, **Annexure – P7 (collectively)** to the writ petition. Since then the case of

the petitioner did not receive any attention of the fourth respondent.

The petitioner must know his fate when he has applied for.

Considering the averments made in the writ petition and the reliefs claimed thereunder, this Court is of the considered view that justice would be subserved if the fourth respondent is directed to consider the case of the petitioner on the basis of the forwarding letter of the school being ***Annexure -P7 (collectively)*** to the writ petition after giving a prior notice of hearing of at least seven days to the petitioner and the relevant school authority, respondent nos. 5 and 6 and upon giving an opportunity of hearing to them and then to pass its reasoned decision/order on the issue in accordance with law.

It is needless to mention that the school authority may be represented through an authorised representative before the fourth respondent.

The entire exercise, as directed above, shall be carried out and completed by the fourth respondent within a period of ten weeks from the date of communication of this order.

The fourth respondent then intimate the petitioner and the school authority its reasoned decision/order within a further period of two weeks from the date of such reasoned decision/order to be passed.

In the event the said reasoned decision/order goes in favour of the petitioner, the fourth respondent shall give immediate effect thereto and carry out whatever formality is required to be done and release the amount to the petitioner with arrear, if any, within a further period of four weeks from the date of such reasoned decision/order to be communicated to the petitioner and the school authority and shall go on continuing to disburse such enhanced pay scale to the petitioner without any interruption in accordance with law.

The school authorities are also directed to take steps in accordance with law accordingly in the event the decision goes in favour of the petitioner.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner in this writ petition in any manner. All points are kept open to be urged before the fourth respondent to decide with its reasoned decision/order, strictly in accordance with law.

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

On the above terms, this writ petition, **WPA 18423 of 2019** stands disposed of without any order as to costs.

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

(Aniruddha Roy, J.)