

44 08.9.2022
Sc Ct. no.22

WPA 19782 OF 2018

Sri Sumon Kumar Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Bikash Chandra Das

.... For the Petitioner

Mr. Supriyo Chattopadhyay

Mr. Sabyasachi Mondal.

.... For the State

The petitioner claims to be an **Assistant Teacher, Physics at Thakurnagar High School, District North 24-Parganas**. At the relevant point of time when he was appointed he had qualified **Bachelor of Science (Honours) in Physics with Bachelor of Education**. Subsequently he did his **Post Graduation, Master of Science in Physics**. The employment of the petitioner was duly approved by the respondent no.5, **Annexure-P3** to the writ petition. The petitioner seeks higher pay scale in view of his enhancement of qualification to Post Graduation in Physics. The school authority had also approved his claim and forwarded the approval with a request for consideration before the respondent no.5, **Annexure-P7** to the writ petition.

Mr. Bikash Chandra Das, learned counsel appearing for the petitioner submits that the claim of the petitioner is pending before the respondent no.5 since 2014. He submits on instruction from the petitioner that the petitioner is not insisting and pressing for prayer “a)”

to the writ petition and the petitioner is only pressing for a consideration of his prayer for granting higher scale, as mentioned above.

Mr. Supriyo Chattopadhyay, learned State counsel appears.

Considering the submissions made on behalf of the appearing parties and considering the materials-on-record, this Court is of the considered opinion that justice would be subserved if the case of the petitioner is directed to be considered by the respondent no.5 for his consideration with a reasoned decision/order.

In the premises, the respondent no.5 is directed to consider the case of the petitioner in the light of his representation dated February 21, 2013 made to the school authority at page 43 of the writ petition and the proposal of the school being, **Annexure-P7** to the writ petition at page 44 thereof upon giving a prior hearing notice of at least seven days to the petitioner and the respondent no.6 and then come to a reasonable conclusion thereupon with a reasoned decision/order. The respondent no.6 being the school authority will be at liberty to be represented through an authorised representative.

The entire exercise as directed above shall be carried out and completed by the respondent no.5 within a period of eight weeks from the date of communication of this order.

The reasoned decision/order shall be communicated by the respondent no.5 to the petitioner and the respondent no.6 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 then the respondent no.6, the respondent no.4 and the respondent no.3 shall take all further steps and necessary steps to give effect to the said reasoned decision/order in favour of the petitioner positively in accordance with law within a further period of six weeks from the date of the said reasoned decision/order be communicated to them.

It is further made clear that this Court has not gone into the merits of this writ petition. The petitioner will be at liberty to urge all points relying upon whatever documents and records he wishes to rely upon at the time of hearing before the respondent no.5.

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

On the above terms, this writ petition, **WPA 19782 of 2018** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)