

105 15.03.2022
rkd Ct.15

W.P.A. 21415 of 2018

Barun Kumar Chakraborty

-vs-

State of West Bengal & Ors.

Mr. N. I. Khan,
Mr. Amlan Kumar Mukherjee

....for the petitioner.

Mr. Susanta Pal

....for the State.

The writ petition is heard in presence of the learned advocates representing the petitioner and State respondents. However, the School Authority of Atashi Smriti High School, Thakurbari, District-Paschim Medinipur, being the respondent no.4 is not represented before this Court today.

It appears from Memo dated 27th September, 2018 issued by the District Inspector of Schools (S.E.), Paschim Medinipur, at page 86 of the writ petition, the respondent no.4 was requested to recast the service book of the writ petitioner since it was found that postgraduate scale of pay was accorded to the petitioner with effect from 15th February, 2010 therefore in terms of relevant provisions of ROPA 2009 periodical increments cannot be accorded with effect from 1st July, 2010.

It is submitted on behalf of the petitioner

that in spite of issuance of such Memo dated 27th September, 2018 the respondent no.4 has not taken steps for recasting the service book in terms of the observation made by the District Inspector of Schools in Memo dated 27th September, 2018.

The Secretary, Atashi Smriti High School, Thakurbari, District- Paschim Medinipur is directed to recast the service book of the petitioner in terms of the observations contained in Memo dated 27th September, 2018 within four weeks from the date of communication of this order and forward the same to the Office of the District Inspector of Schools (S.E.), Paschim Medinipur for correcting the anomaly which has cropped up due to grant of periodical increments with effect from 1st July, 2010 strictly in terms of relevant provisions of Revision of Pay and Allowance Rules, 2009 within a period of eight weeks from the date of receiving service books from the said School Authority.

Before taking final decision by the District Inspector of Schools (S.E.), Paschim Medinipur, being the respondent no.3 opportunity of hearing to be granted to the petitioner as well as the School Authority with regard to fixing date of granting periodical increments on and from 2010 onwards in terms of said ROPA Rules of 2009. The decision to

be taken by the respondent no.3 shall be communicated to the petitioner and the School Authority within one week thereafter.

With the above direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)