

Ct. 05
Item No.46
09.03.2022
(suvendu)

WPA 32457 of 2013

[Via Video Conference]

**Narayan Chandra Samanta
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Sk. Imtiaz Uddin

.....for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

.....for the State

Mr. Salil Kumar Maiti
Ms. Pinki Saha

.....for the respondent no.6

After hearing learned counsel appearing for the petitioner and the State, it appears that the grievance of the petitioner in relation to pay fixation can be sent to the Director of Public Instruction for deciding the same in accordance with the reasoned order passed by the Director of Public Instruction on 17th February, 2009 in the matter of Tarun Kumar Bhattacharya (Re. W.P. No. 23103 (W) of 2008) and the consequential benefit given to the said gentleman by a Memo dated 22nd June, 2012 of the Joint Secretary, Education Directorate of the Government of West Bengal.

This is as per the suggestion given on behalf of the State.

This Court finds no impediment in accepting such suggestion since it is the petitioner's case that the petitioner is similarly situated with Sri Tarun Kumar Bhattacharya and should be given the same benefit.

In view of the above, WPA 32457 of 2013 is disposed of with a direction on the respondent no.2, being the Director of Public Instruction, to dispose of the case of the petitioner treating the writ petition and connected pleadings as a representation by way of a reasoned order within four weeks from the date of communication of this order after hearing all concerned parties including the petitioner. The Director of Public Instruction shall take into account all relevant Statutory Notifications and factual position at the time of taking decision in the matter and a copy of the reasoned order shall be made available to the petitioner within a week from the date on which such reasoned order is passed.

Since the matter is being delegated for being decided afresh, the impugned order dated 9th July, 2013 passed by the Assistant Secretary of the Higher Education Department rejecting the prayer for Pay Protection to the petitioner is set aside.

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

(Moushumi Bhattacharya, J.)