

18 25.9.2023
Sc Ct. no.22

WPA 558 OF 2015

Siladitya Baral

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sk. Imtiaj Uddin
Ms. Tanuja Basak.

... For the Petitioner

This is a hearing matter.

Mr. Sk. Imtiaj Uddin, learned advocate led by Mr. Ekramul Bari, learned counsel appears for the petitioner.

None appears for the respondents.

The **office report dated August 17, 2015** suggests that, despite direction dated January 29, 2015, no affidavit-in-opposition has been filed.

Considering the issue involved in this writ petition and considering the pendency thereof, this Court is of the view that, no fruitful purpose shall be served by keeping this writ petition pending any further. Accordingly, the same is taken up, considered and disposed of in the manner hereinafter.

The petitioner claims to be an Assistant Teacher, who is presently working at **Bhagowanpur High School,**

District – South 24-Parganas, as this Court has been informed by learned advocate for the petitioner.

Referring to **Annexure-P3 at page 19** to the writ petition, learned advocate for the petitioner submits that, the petitioner **prayed for higher pay scale** due to acquiring higher qualification. The petitioner is still in service. The claim of the petitioner was not considered and the representation has not yet received any attention of the State authority.

To subserve justice, the respondent no.3 upon issuing a prior hearing notice of at least seven days upon the petitioner and the respondent no.4 and after giving them an opportunity of hearing shall consider the **representation of the petitioner dated September 17, 2014, Annexure-P3 at page 19 to the writ petition** by passing a reasoned order, in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 **positively** within a period of **six weeks** from the date of communication of this order to the petitioner and the respondent no.4 **positively** within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner and the respondent no.4 shall be at liberty to urge whatever points they wish to urge by

relying upon whatever records and documents they wish to rely upon before the respondent no.3 but the same ***shall not travel beyond the scope of the said representation of the petitioner dated September 17, 2014, Annexure-P3 at page 19 to the writ petition.***

It is also made clear that, this order shall not create and equity or right in favour of the petitioner in the event, the petitioner is not eligible to receive his claim in terms of his representation, strictly in accordance with law.

In the event, the said decision goes in favour of the petitioner, the ***respondent nos.3 and 4*** shall give immediate effect thereto.

On the above terms, this writ petition, ***WPA 558 of 2015*** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)