

16.08.2023
Item No. 11
Crt.No.22
b.r.

WPA 2307 of 2019

Smt. Susmita Mandal
-vs-
The State of West Bengal & Ors.

Mr. Gopal Chandra Ghosh
Mr. Debapratim Banerjee ...for the petitioner.

Affidavit of service filed in Court today be retained with the record.

Mr. Gopal Chandra Ghosh, learned advocate appears for the petitioner.

None appears for the respondents.

The petitioner claimed post graduate scale, after acquiring her post graduate qualification. The petitioner has been working as an **Assistant Teacher at Gopalpur High School, Paschim Medinipur.**

The petitioner through its advocate's letter dated **February 6, 2018 annexeure P-12 at page 48** to the writ petition made a representation before the respondent no.3 and the same has not yet received any attention of the State authority.

From Page-50 being the internal 3rd page of the said letter, it appears that a copy was also marked for the respondent no.2.

Considering the issue involved in this writ petition, this Court is of the firm view that any further

pendency of this writ petition shall not serve any useful purpose.

To sub-serve justice, the petitioner shall once again serve a copy of this writ petition upon the respondent no.2 along with a copy of this order forthwith. The respondent no.2 shall then treat the said letter of the petitioner's advocate dated **February 6, 2018 at page 48 to the writ petition**, a copy whereof had already been marked to him, as the representation of the petitioner and upon giving at least a prior seven days hearing to the petitioner and the respondent no.4 and after giving them an opportunity of hearing shall decide the issue 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.2 positively within a period of **six weeks** from the date of communication of this order. The respondent no.2 shall then communicate its reasoned order to the petitioner and the respondent no.4 within a further period of **two weeks** from the date of the said reasoned order.

It is made clear that this Court has not gone into the merits of the claim made by the petitioner and the petitioner and the relevant school authority shall be at liberty to urge whatever points they wish to urge by

relying upon whatever records and documents they wish to rely upon the respondent no.2.

It is also made clear that this order shall not create any equity or right in favour of the petitioner if the petitioner is found to be ineligible to receive her claim strictly in accordance with law.

In the event, the reasoned decision goes in favour of the petitioner then the respondent no.2 and any other appropriate authorities shall take immediate step to give effect thereto positively within a period of six weeks from the date of the said reasoned order to be communicated to such authority.

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

On the above terms, this writ petition being **WPA 2307 of 2019 stands disposed of**, without any order as to costs.

Parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)