

07.08.2023
Item No. 20
Crt.No.22
b.r.

WPA 4045 of 2011

Shelley Roy
-vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Syed Mansur Ali
Ms. Tajuja Basak
..... for the petitioner.

Mr. Ekramul Bari, learned counsel, appears for the petitioner.

None appeared for the respondents.

The petitioner claimed to an **Assistant Teacher at one Nanoor T.K.M. Girls' High School, District-Burdwan.**

The petitioner claimed that she was appointed as an Assistant Teacher at a **Madrasah as Honours Graduate Teacher.** Subsequently, she acquired **Post Graduate Degree** in the relevant subject and claimed the higher pay scale.

The petitioner submitted a representation dated **March 10, 2006 AnnexureP4 at Page-21** to the writ petition before the respondent no.3.

The representation was forwarded to the respondent no.3 by the relevant Madrasah Authority. Since 2006, the representation has not been considered.

In view of the above, to sub-serve justice, the respondent no.3 is directed to serve a hearing notice of atleast seven days to the petitioner and the respondent no.5 and then after giving them an opportunity of hearing, shall decide the representation of the petitioner dated **March 10, 2006 Annexure p 4 at page 21** to the writ petition by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and concluded by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order and the respondent no.3 shall communicate his reasoned order to the petitioner and the respondent no.5 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 merit of the claim of the petitioner in any manner and the petitioner and the respondent no.5 shall be at liberty to urge whatever points they wish to urge by relying upon the relevant records they wish to rely upon before the respondent no.3.

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

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

If the reasoned order goes in favour of the petitioner then the respondent no.3 shall give effect thereto forthwith and positively within a period of **four weeks** from date of his reasoned order.

Considering the age old pendency of this writ petition since 2011 and considering the fact that none appeared for the respondents on previous occasion also, this writ petitioner was taken up for consideration and is disposed of with the above observations.

With the above directions, this writ petition being **WPA 4045 of 2011** stands **disposed of** without any order as to costs.

(Aniruddha Roy, J.)