

WPA 8714 OF 2022

Sanjay Kumar Mali

Vs.

The State of West Bengal & Ors.

Ms. Deepa Acharyya

...For the Petitioner

Ms. Sucharita Roy

...For the State

Affidavit-of-service, filed in Court today, is taken on record.

The petitioner claims to be an **Assistant Teacher at Chandpur High School (H.S.), 24-Parganas (North)**. He had joined his employment in the year **2002**. He has been serving the State employer with an unblemished career. The petitioner claimed his pay scale with the 18 years' benefit.

Ms. Deepa Acharyya, learned advocate appearing for the petitioner referring to a document dated **April 12, 2022 at page 23** to the writ petition submitted that the petitioner had made representation before the respondent no.4 and the same is lying pending.

Ms. Sucharita Roy, learned State advocate appearing for the respondent nos. 1 to 4 submitted that at the threshold the school authority shall have to recommend the case of the petitioner for being considered by the **respondent no.4**. In the facts of this case such

recommendation from the relevant school authority had not reached to the respondent no.4.

Considering the submissions made on behalf of the appearing parties and considering the materials on record, to subserve justice, the respondent no.4 is directed to consider the representation of the petitioner dated **April 12, 2022 at page 23** to the writ petition upon giving at least a prior seven days' hearing notice to the petitioner and the respondent nos. 5 and 7 and after giving them an opportunity of hearing shall dispose of the same with a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner. The petitioner and the relevant school authority shall be at liberty to urge whatever points they wish to urge by replying upon whatever documents and records they wish to rely upon before the respondent no.4.

The entire exercise as directed above shall be carried out and completed by the **respondent no.4** positively within a **period of four weeks** from the date of communication of this order. The **respondent no.4** then shall communicate his reasoned order to the **petitioner and the respondent nos. 5 and 7** within a further period of **two weeks** from the date of the said reasoned order to be passed.

In the event the reasoned order goes in favour of the petitioner, then the **respondent no.4** shall take all

further and consequential steps to give effect to the said reasoned order in accordance with law positively within a ***further period of four weeks.***

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

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

On the above terms the writ petition, ***WPA 8714 of 2022*** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)