

WPA 12976 OF 2019

Aparna Sahoo

Vs.

The State of West Bengal & Ors.

Mr. Kazi Sajjad Alam
Ms. Afsana Khatun.

....For the Petitioner

Mr. Gourav Das

...For the State/
Respondent

The previous order speaks for itself.

Today, the writ petition appears under the heading
“For Dismissal”.

The petitioner at present is working as an **Assistant Teacher at Bhawanichak Aghorichand High School (H.S.), Purba Medinipur**. Referring to Annexure-P7 at page 35 to the writ petition, Kazi Sajjad Alam, learned counsel appearing for the petitioner submits that, the petitioner claimed higher pay scale due to enhancement of his qualification. The representation was made and submitted before the then jurisdictional District Inspector of Schools, Bankura in which district the petitioner at that point of time was working in a school. Upon such representation certain inquiry was raised by the District Inspector of Schools (Secondary Education), Bankura dated July 4, 2018, **Annexure-P8 at page 36** to the writ petition.

Mr. Gourav Das, learned State counsel submits that, the clarifications were furnished by the petitioner in terms of the said letter dated July 4, 2018. He submits in his usual fairness that, in the event such clarifications are submitted with all relevant documents and records, the jurisdictional District Inspector of Schools, Purba Medinipur upon receiving all records from the District Inspector of Schools, Bankura, shall definitely consider and pass a reasoned order.

In view of the above, to subserve justice, the District Inspector of Schools, Bankura is forthwith directed to transmit and send all papers, records and documents relating to the petitioner before the District Inspector of Schools, Purba Medinipur positively within a period **two weeks** from the date of communication of this order.

Upon receiving such records and documents the jurisdictional District Inspector of Schools, Purba Medinipur (for short the D.I. Purba Medinipur) shall issue a prior seven days' notice to the petitioner, respondent no.4 and the respondent no.7 and then after giving them an opportunity of hearing shall pass a reasoned order in accordance with law.

The entire exercise, as directed above, shall be carried out and completed by the D.I., Purba Medinipur positively within a period of **six weeks** after receiving the records and papers from the D.I. Bankura.

The D.I. Purba Medinipur then shall communicate its reasoned order to both the schools and the petitioner within a **further** period of **two weeks** from the date of the 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 school authority shall be at liberty to urge whatever points they wish to urge including the law settled on the issue before the D.I., Purba Medinipur by relying upon whatever documents and records they wish to rely upon.

In the event the reasoned decision goes in favour of the petitioner, then the D.I., Purba Medinipur shall take all necessary and consequential steps along with all other relevant authorities to give effect to the said reasoned order positively within a period of **four weeks** from the date of the reasoned order to be passed.

It is further 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 his claim strictly in accordance with law.

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

On the above terms, **WPA 12976 of 2019** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)