

Court No.
28.02.2023

(Item No. 757)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 13991 of 2012

Shri Subrata Sarkar
VS
The State of West Bengal & Ors.

Mr. Tarasankar Samanta
.... For the petitioner

Mr. Pranab Halder
... For the State

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

This is a hearing matter.

The petitioner claimed to be an Assistant
Teacher at **Sihole High School (H.S.), District –
Dakshin Dinajpur**. The petitioner claimed for granting
higher pay-scale. The petitioner through its advocate's
letter dated **June 12, 2012** submitted a
representation / justice demand at **page 26** to the
writ petition before the respondent no. 3. The
grievance of the petitioner in this writ petition that,
the said representation of petitioner was not paid any
heed by the State authority.

Mr. Pranab Halder, learned advocate appeared
for respondent nos. 1 to 4. The learned State counsel
submitted that the said representation of the
petitioner may be directed for consideration by the
appropriate authority.

The rest of respondents chose not to be represented.

In view of the above, to sub-serve justice, the respondent no. 3 is directed to consider the said representation made on behalf of the petitioner dated **June 12, 2012 at Page 26** to the writ petition upon giving a prior seven days prior hearing notice to the petitioner, school and the respondent nos. 5 and 6 and then after giving them an opportunity of hearing shall decide the issue in accordance with law by passing a reasoned order.

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. The respondent no. 3 shall then communicate its reasoned order to the petitioner and the respondent nos. 5 and 6 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 merit of the claim of the petitioner in any manner. The petitioner and the relevant school authority shall be at liberty to urge whatever points they wish to urge relying upon whatever documents and records they wish to rely upon before the respondent no. 3.

It is made clear that, this order shall not create any equity or right in favour of the petitioner if

the petitioner is not otherwise eligible to receive his claim strictly in accordance with law.

In the event, the decision goes in favour of the petitioner, the respondent No. 3 shall take all further and consequential steps to give effect to the said reasoned order in favour of the petitioner positively within a period of three weeks from the date of the said reasoned order to be passed.

On the above terms, this writ petition being **WPA 13991 of 2012** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)