

Court No. 22
17.7.2023
(Item No. 11)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 23806 of 2015

Sachidananda Mandal
VS
The State of West Bengal & Ors

Mr. G. F. Hossain
Ms. Varsha Roy
.... For the petitioner

Ms. Varsha Roy, learned advocate appeared for the petitioner.

None appeared for the respondents.

Ms. Roy, learned counsel for the petitioner submitted that, the petitioner had qualified **Part-I in Master's degree in English** and then he participated in the selection process under **Regional Level Test – 2001** and joined as an **Assistant Teacher on August 17, 2001** at **Gopalnagar Bani Mandir High School (H.S.), District – South 24 Parganas**, it would be evident from **Annexure P-4 at page 22** to the writ petition.

The petitioner joined his service as a **B.A. (H)** in **English** candidate. The petitioner subsequently qualified the **Master's degree in 2003**, as would be evident from **Annexure P-5 at pages 23 and 24**.

Drawing attention to **Annexure P-2 at page 19** from the writ petition learned counsel for the petitioner submitted that, the petitioner was registered for his Master's degree course with the

registration No. 1390 of 1999-2000. Drawing attention to **Annexure P-6** at **pages 25 to 27** to the writ petition learned counsel submitted that, the school authority duly applied before the respondent No. 3 for sanctioning the higher pay scale commensurating with his Master's degree in favour of the petitioner but no heed was paid thereto till date.

Being aggrieved, the petitioner filed the instant writ petition in 2015.

Considering the submissions made on behalf of the petitioner and on perusal of the materials on record, it appeared that, the school authority way back in 2013 applied before the respondent No. 3 for sanctioning higher pay scale to the petitioner commensurating with his Master's degree and the same is lying as such at the office of the respondent No. 3 since last ten years. Today also none appeared for the respondents. This Court thinks it fit that in such a situation any further pendency of this writ petition will not enure to anybodies benefit save and except causing further delay in receiving an adjudication by the petitioner as to his claim. As such, this Court proceeds to dispose of this writ petition.

To sub-serve justice the respondent No. 3 shall consider the application of the school being **Annexure P-6** at **pages 25 to 27** to the writ petition after giving at least seven days prior hearing notice to the

petitioner and the respondent Nos. 5 and 6 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. 3 positively within a period of **six weeks** from the date of communication of this order. The respondent No. 3 then shall communicate his reasoned order to the petitioner and the respondent Nos. 5 and 6 within a further period of **two weeks** from the date of communication of this order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner whatsoever 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 before the respondent No. 3.

In the event, the reasoned decision goes in favour of the petitioner, the respondent No. 3 immediately shall give effect thereto and take all consequential steps for fixing the higher pay scale from **March 6, 2023 (Annexure P-6 at page 25 to the writ petition)** in favour of the petitioner positively within a period of **four weeks** from the date of the said reasoned order to be passed.

All other relevant authorities then shall give effect to the said reasoned order forthwith, if the same goes in favour of the petitioner.

This order shall not create any equity or right in favour of the petitioner in the event 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.

The petitioner shall serve a copy of this order upon the respondent Nos. 3, 4 and 5 forthwith.

With the above observations, this writ petition, **WPA 23806 of 2015**, stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)