

WPA 22722 OF 2019

Mili Mondal @ Mili Dalui Mondal

Vs.

The State of West Bengal & Ors.

Mr. Tarun Das

....For the Petitioner

Mr. Ranjan Saha

....For the Respondent
Nos. 1 to 3

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

The petitioner claimed higher Pay Scale by virtue of a higher qualification, viz. Master of Arts (M.A.) in the relevant subject as contended by the writ petitioner. the petitioner submitted a **representation dated August 29, 2019 Annexure-P7 at page 40 to the writ petition** before the respondent no.3 and the same is still pending.

The previous order dated October 21, 2020 showed that, there was a direction for filing a report by the respondent nos. 4 and 5 in for form of an affidavit, no such report was filed.

Mr. Tarun Das, learned advocate appeared for the petitioner.

Mr. Ranjan Saha, learned advocate appeared for the respondent nos. 1 to 3.

Considering the submissions made on behalf of the parties and considering the materials on record, to

subserve justice, the respondent no. 3 is directed to consider the ***representation of the petitioner dated August 29, 2019, Annexure-P7 at page 40 to the writ petition*** by issuing a seven days' prior hearing notice upon the petitioner, the school authority, the respondent nos. 4 and 5 and the present school and after giving them an opportunity of hearing shall decide the issue 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 then shall communicate its reasoned order to the petitioner and the relevant school authorities within a period of two weeks from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner in any manner. The petitioner and the relevant school authorities shall be free 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 but the same shall not travel beyond the scope of the representation dated August 29, 2019.

It is also 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 her claim strictly in accordance with law.

In the event the reasoned order goes in favour of the petitioner then the respondent no.3 and/or any other authority shall take all consequential steps within a period of **six weeks** from the date of communication of the said reasoned order, as directed above.

On the above terms this writ petition, **WPA 22722 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.)