

Court No. 22
03.01.2023
(Item No. 9)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 25015 of 2022

Nimai Roy & Ors.
VS
The State of West Bengal & Ors.

Mr. Probal Sarkar
..... for the petitioners
Mr. Arun Kumar Roy
Mr. Arun Kumar Saha
.... For the State

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

The petitioner claims to be working for the post of **Helper (Group “D”)** at **Murshidabad Institute of Technology, Vocational Education & Training, Murshidabad.**

The petitioner sought for enhancement of monthly remuneration in terms of the Government order bearing **No. 1297-TET(Poly)/5P-03/2018** dated November 25, 2019 at **page 116** to the writ petition. The petitioner made several representations from time to time. A composite representation was made on December 30, 2021, **Annexure P-4** at **page 46** to the writ petition before the State authority, the same had not received any attention.

Mr. Arun Kumar Roy, learned advocate appears for respondent Nos. 1 to 3.

After considering the submissions made on behalf of the appearing parties and on perusal of

materials on record to sub-serve justice the respondent No. 3 is directed to consider the representation of the petitioner dated December 30, 2021, **Annexure P-4** to the writ petition in the light of the said Government order dated November 25, 2019 at **page 116** to the writ petition after giving a seven days prior hearing notice to the petitioner and the respondent Nos. 4 and then after giving them an opportunity of hearing shall decide the issue with its reasoned order/decision.

The entire exercise as directed above shall be carried out and completed by the respondent No. 3 positively within six weeks from the date of communication of this order. The respondent No. 6 then shall communicate its reasoned decision/order to the petitioner and the respondent No. 4 positively within a further 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 merit of the claim of the petitioner in any manner and the petitioner shall be at liberty to urge whatever points they wish to urge relying upon whatever materials and records they wish to urge before the respondent No. 3. The respondent No. 4 is directed to render all its co-operation with the respondent No. 3 during the hearing.

In the event, reasoned decision/order goes in favour of the petitioner then respondent Nos. 2 and 4

shall take all further necessary and consequential steps in favour of the petitioner positively within a period of four weeks from the date of communication of the said reasoned decision to the respondent No. 2.

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

It is made clear that, 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.

On the above terms, this writ petition being **WPA 25015 of 2022** 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.)