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WPA 23852 OF 2019

RAM KRISHNA MONDAL
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Nitya Gopal Mukherjee
..for the Petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee
..for the State.

Dr. Sutanu Kr. Patra,
Mr. Supriya Dubey
..for SSC.

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

Mr. Nitya Gopal Mukherjee, learned Advocate appearing for the petitioner prays leave to file supplementary affidavit to bring certain records which are materials for the purpose of adjudication of this writ petition.

Such leave is granted.

A copy has been supplied to Mr. Arindam Chattopadhyay, learned State Advocate appearing for the respondent nos.1, 2 and 4.

The petitioner claimed that he is an Assistant Teacher with Honours Graduate Degree in Language group. The petitioner claimed higher pay scale.

Mr. Mukherjee, learned Advocate for the petitioner submitted that issue pending before the Larger Bench regarding higher pay scale is concerned with the Pass graduate teachers, therefore, there is no embargo in entertaining this writ petition by this Court.

The petitioner made a representation dated September 11, 2019, **Annexure-‘P-8’ at page 23 to the writ petition** before the jurisdictional District Inspector of Schools (for short ‘DI’), the same had not yet received attention of the authority.

Learned counsel for the petitioner submitted that respondent no.3 is the proper authority who can decide the issue.

In view of the above, to sub-serve justice, the petitioner is granted liberty to make a comprehensive representation before the DI within two weeks from date **but such representation shall not travel beyond his case made out in the said representation dated September 11, 2019, Annexure-‘P-8’ at page 23 to the writ petition.**

In the event such representation is made, then the DI after issuing a prior hearing notice of seven days to the petitioner and the respondent no.5 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 DI positively within six weeks from the date of communication of this order and the DI shall communicate his reasoned order to the petitioner and the respondent no.5 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 merits of the claim of the petitioner. The petitioner and the respondent no.5 being the relevant school authority shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the DI but the same shall not travel beyond the scope of the claim made in this writ petition.

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

In the event the reasoned decision goes in favour of the petitioner then the DI and/or any other relevant authority/authorities shall give effect to the said reasoned decision positively within a further period of five weeks from the date of communication of the said reasoned order.

It is 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.

On the above terms, this writ petition, **WPA 23852 of 2019** stands disposed of without any order as to costs.

(Aniruddha Roy, J.)

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