

06 13.03.2023
rkd Ct.15

W.P.A. 28712 of 2017

Mamata Roy

-vs-

The State of West Bengal & Ors.

Ms. Suman Sehanabis,
Ms. Atulya Sinha

....for the petitioner.

The writ petition is presented, *inter alia*, challenging order dated 6th September, 2017 issued by the District Inspector of Schools (S.E.), Cooch Behar whereby claim of the petitioner for sanction of postgraduate scale of pay for having postgraduate degree in the subject under the relevant group has been spurned.

The matter was taken up for consideration on 1st March, 2023 when no one appeared for the State respondents and today also State respondents remain unrepresented. It further appears that there was a direction by the coordinate Bench on 11th December, 2017 to exchange affidavits by the parties but no affidavit-in-opposition has been used by the State respondents.

On perusal of the impugned order dated 6th September, 2017 passed by the District Inspector of Schools (S.E.), Cooch Behar, being respondent

no.5, at first blush it transpires that the said order is devoid of cogent reasons. The respondent no.5 has failed to express himself while considering the claim of the petitioner and refusing to grant postgraduate scale of pay. An administrative authority while considering the claim of the petitioner ought to have assigned reasons in support of the decision taken pursuant to the order dated 26th April, 2017 passed by the coordinate Bench.

Accordingly, the impugned order dated 6th September, 2017 stands set aside.

The respondent no.5 is directed to take decision on the claim of the petitioner to grant postgraduate scale of pay afresh within eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or her representative.

The decision to be taken by the respondent no.5 shall be communicated to the petitioner within one week thereafter.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned

Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)