

Ct. 13.03
No. 14 2023
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W.P.A. 27630 of 2022
Manoj Chatterjee
-Versus-
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury **...For the Petitioner**

Mr. Gourav Das **...For the State Respondents**

The writ petitioner was appointed as a Librarian of Chinpai High School (H.S.), Birbhum on 15th June, 2009. Prior to his appointment as a Librarian in the aforesaid School, the petitioner participated in an interview conducted by Durgapur Projects Township Boys' High School for appointment as Librarian in the School. He succeeded in the interview and was selected to be appointed as a Librarian in Durgapur Projects Township Boys' High School. After taking 'No Objection Certificate' from the Chinpai High School (H.S.) on 8th September, 2010 the petitioner joined as Librarian in Durgapur Projects Township Boys' High School on 9th September, 2010. Although he continued his service on and from 15th June, 2009, but the authority concerned has given effect to his service with effect from 9th September, 2010 when he joined in Durgapur Projects Township Boys' High School.

By a Memo dated 2nd March, 2021, the respondent No. 2, Deputy Director of School Education (GA), West Bengal informed the respondent No. 5, District Inspector of Schools (SE), Paschim Bardhaman that the writ petitioner was allowed to get pensionary benefits with effect from the date of joining in Chinpai High School (H.S.) on 15th June, 2009 but he was not allowed to get the pay protection of the previous service rendered by him.

The petitioner through his learned Counsel by a representation dated 15th June, 2021 requested the

Commissioner of School Education, Government of West Bengal to grant pay protection to him considering his service rendered by him with effect from 15th June, 2009, but to no effect.

Learned Counsel appearing for the petitioner submits that two reasons assigned by the Deputy Director of the School Education (G.A.), West Bengal in the Memo dated 2nd March, 2021 are contradictory to each other. In the first part of the Memo the authority concerned allowed the petitioner to get pensionary benefits with effect from the date of joining in Chinpai High School (H.S.) on 15th June, 2009 but at the same breath the authority in the second part of the Memo has recorded observation that the petitioner is not entitled to get pay protection.

However, the learned Counsel appearing for the State respondents fairly submits that since the writ petitioner has made a comprehensive representation, the authority be directed to consider and dispose of the representation by a reasoned order.

Having heard learned counsels appearing for the respective parties and on consideration of the documents annexed to the writ petition, I feel that the writ petition may be disposed of by passing the following directions.

The respondent No. 9, Commissioner of School Education, Government of West Bengal is directed to consider and dispose of the representation dated 15th September, 2021 made by the petitioner through his learned Counsel by a reasoned order upon giving an opportunity of hearing to the petitioner and other interested persons/officials, if any, within eight weeks from the date of

communication of this order.

Once the order is passed, the respondent No. 9 shall communicate the order to the petitioner within seven days from the date of passing the order.

The respondent No. 9 shall not give any effect to the Memo dated 2nd March 2021 till disposal of the representation.

With the aforesaid direction, the writ petition is disposed of.

Since, no affidavit-in-opposition has been invited the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

All parties may act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(*Rabindranath Samanta, J.*)