

WPA 29074 OF 2015

Suman Deb

Vs.

The State of West Bengal & Ors.

Ms. Parna Roy Chowdhury

....For the Petitioner

Mr. Tapan Kumar Mukherjee

Mr. Pritam Chowdhury

Mr. Somnath Naskar.

....For the State

The petitioner joined as an **Assistant Teacher at one Kanupur Nabajagaran High School (H.S.), Murshidabad** (for short the previous school) in the year **2008**. Subsequently, the petitioner had acquired higher qualification, viz. **Doctor of Philosophy in Zoology (Ph.D. – Zoology)** in the year **2014**. The relevant certificate is dated **March 19, 2014, Annexure-P5 at page 30** to the writ petition. The relevant connected provisional certificate issued by the concerned University is at **page 31** to the writ petition.

In the year **2015**, the **petitioner was transferred** from the said previous school to the present school, viz. **Chandua Narayantala Junior High School, South 24-Parganas** (for short the present school). The Managing Committee of the present school by its **resolution dated April 27, 2015, Annexure-P12 at page 39** to the writ petition has recommended the petitioner for his higher pay scale before the appropriate authority.

The petitioner made his **representation** for receiving higher pay scale before the present school on **April 27, 2015, Annexure-P10 at page 38** to the writ petition.

In terms of the claim raised by the petitioner, the present school by its communications dated **May 15, 2015 and June 29, 2015, Annexure-P11 at pages 43 and 44** to the writ petition sent its recommendation for considering to grant higher pay scale to the petitioner to the then Director of the School Education and the respondent no.4, but the issue is still pending without receiving any attention of the State authority.

Ms. Parna Roy Chowdhury, learned counsel appears for the petitioner.

Mr. Pritam Chowdhury, learned State counsel led by Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader appears for the respondent nos. 1 to 4.

Considering the submissions made on behalf of the parties and considering the materials on record, to subserve justice, the **respondent no.4 is directed**, upon issuing prior hearing notice of at least seven days to the petitioner and the respondent nos. 6 and 7 and after giving them an opportunity of hearing, shall decide the issue by passing a reasoned order in accordance with law.

The respondent nos. 6 and 7 are directed to render all assistance to the respondent no.4 for resolution of the

issue in all possible manner by producing all records and documents whatever will be necessary.

The entire exercise shall be carried out and completed by the respondent no.4 **positively** within a period of **six weeks** from the date of communication of this order and the respondent no.4 then shall communicate its reasoned order to the petitioner and the respondent nos. 6 and 7 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 merits of the claim of the petitioner and the petitioner and the respondent nos. 6 and 7 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 respondent no.4.

In the event the reasoned decision goes in favour of the petitioner, the respondent nos.4, 6 and 7 and/or any other authorities shall take steps **positively** within a **further period of four weeks** from the date of communication of this reasoned order to them to give effect thereto.

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.

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

On the above terms, this writ petition, **WPA 29074 of 2015** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)