

ML 126
May 2024
sandip
Ct. 18
14.05.2024

W.P.A. 1806 of 2023

Sandip Chaudhuri
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. S. M. Ali ... For the petitioner.

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

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

In spite of service, none appears on behalf of the State respondents.

This Court under such circumstances engages Mr. Arindam Chattopadhyay and Ms. Lipika Chatterjee, learned advocates in the state roll to represent the State respondents in this matter, their engagements be regularized. The petitioner is directed to serve copy of the writ petition upon them.

The petitioner had filed a writ petition being W.P. 2586 (W) of 2018 praying higher scale of pay on enhancement of his qualification in the relevant subject.

The said writ petition was disposed of vide order dated April 10, 2019 directing the District Inspector of Schools (S.E.), Malda, the respondent no. 3 herein to consider the said prayer of the petitioner, and in compliance thereof, the said respondent by the order impugned dated January 28, 2020 has rejected the said prayer of the petitioner holding that the Managing Committee of the school though had permitted the petitioner to pursue his said higher studies and the Board had sanctioned the study leave to the petitioner, but the petitioner since has not obtained the prior permission of the respondent no.3 as required under G.O. No. 593-SE(B) dated November 27, 2007, he is not entitled to such higher scale of pay.

Mr. Bari, learned counsel for the petitioner submits that the petitioner is not required to comply with the requirement of the G.O. dated November 27, 2007 inasmuch as he took admission in the post-graduate course much prior to the said Government Order coming into effect.

The petitioner enrolled himself with the University of Burdwan for post-graduate course in English for the session 2007-2009 through Distance Learning Mode, he is claiming that such enrolment was done prior to the said G.O. dated November 27, 2007 coming into force.

In the backdrop of such factual matrix, the issue whether the prayer of the petitioner for higher scale of pay can be denied for his failure to comply with the requirement of the said G.O. dated November 27, 2007 needs to be investigated.

The Commissioner of School Education, Government of West Bengal, the respondent no. 2 herein is therefore directed to consider and return an independent decision on the said issue within a period of six weeks from the date of communication of this order.

W.P.A. 1806 of 2023 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)