

23.04.2024
Sl. No.M/L305
g.b.
Court No.18

W.P.A. 1870 of 2023

Mita Biswas Sinha
-Vs-
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Salauddin Ahamed
Sk. Imtiaz Uddin ... for the petitioner
Ms. Iti DuttaFor the State

Affidavit of service and the supplementary affidavit filed on behalf of the petitioner be kept with the record.

The petitioner is an assistant teacher at Jodhpur Park Boys' School (Junior and Primary Section).

The petitioner is claiming graduate scale of pay and applied to the District Inspector of schools (S.E.), Kolkata, the respondent no.3 herein for fixation of such scale of pay.

The petitioner was not communicated about the fate of her said application, as such applied under the provisions of the Right to Information Act, 2005 to get information about the decision on the said application. the petitioner, complaining inaction on the part of the authority to respond, has filed the instant writ petition.

Mr. Bari, learned advocate for the petitioner submits that during the pendency of the writ petition, the respondent no.3 by a cryptic order dated November 01, 2022 has communicated to the petitioner that her prayer for graduate scale of pay has been rejected as per existing Government orders.

Mr. Bari submits that the order impugned is a non-speaking order, as such is not sustainable, he prays that the prayer of the petitioner for such scale of pay may be relegated to any higher authority for consideration.

The decision of the respondent no.3 dated November 01, 2022, being not supported by any reason, is set aside.

The Commissioner of School Education, Government of West Bengal, the respondent no.2 herein is directed to consider the prayer of the petitioner for graduate scale of pay within a period of six weeks from the date of communication of this order, needless to say, the said decision shall be communicated to the petitioner.

A complete copy of the writ petition along with the supplementary affidavit be served upon the respondent no.2 within a week from date.

WPA 1870 of 2023 stands disposed of with the above terms without any order as to costs.

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

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.)