

15.05.2024  
SL No.431  
Court No.25  
Ali

**WPA 2077 of 2020**

**Mandira Banerjee Chatterjee  
Versus  
The State of West Bengal & Ors.**

Ms. Debjani Sengupta,  
Mr. Abhijit Chatterjee,  
Ms. Jonaki Khan,  
Ms. Koyel Bag,  
Ms. S. Haque.

...for the petitioner.

Notice upon the respondents by the petitioner be kept in the record.

In spite of service of notice none represent the respondents. No accommodation has been sought for.

Accordingly, the matter is taken up for hearing.

The present petitioner is the Assistant Teacher in Calcutta Deaf & Dumb School at 293, Acharya Prafulla Chandra Road Kolkata-700 009.

It is the case of the present petitioner that she joined in the said school on 15<sup>th</sup> October, 2007 with qualification M.A. in Bengali. As her Scale of Pay is not commensurate with the master degree, she made two representations to the Principal and Directorate of Mass Education, Extension Department, Government of West Bengal dated 02.08.2018 and 08.08.2018 respectively for granting Higher Scale of Pay in her favour.

Her representations were turned down by the Authority by a cryptic order dated 4<sup>th</sup> October, 2018. By challenging such cryptic order the instant writ petitioner was filed. It is the further case of the present petitioner that she also made a detailed representation regarding the ground which can entitle her to have a Post Graduate Scale of Pay to the concerned Authority on 18<sup>th</sup> January, 2019. The Authority till today did not respond the petitioner. Thus, the instant writ petition was filed requiring direction of Authority concerned to grant Higher Scale of Pay in favour of the petitioner.

Heard the learned advocate for the petitioner perused the representation made by the petitioner annexed with the writ petition as annexure (P-20). During the argument, the Notification of Government of West Bengal vide G.O. No. 1102 dated 13<sup>th</sup> December, 1996 is referred by the petitioner for consideration.

I have heard the learned advocate for the petitioner perused the prayer of the instant writ petitioner it appears to me that by virtue of Notification No. 1102 dated 13<sup>th</sup> December, 1996 (Annexure P-6), the trained M.A., M.sc, M. Com & Hons. Graduate Teachers of the Calcutta Deaf & Dum School were entitled to draw pay in the Scale of Higher qualification with effect from 1<sup>st</sup> April, 1996.

The said Notification appears to be not considered by the concerned Authority.

None represent the concerned Authority at the time of hearing.

Considering the facts and circumstances of this case and considering the Notification as mentioned above, it appears to me that the prayer of the present petitioner is justifiable in the eye of law. However, the concerned Authority has not responded the present petitioner in respect of her representation dated 18<sup>th</sup> January, 2019.

Thus, at this situation, the instant writ petition is disposed of with a direction upon the Directorate of Mass Education, Extension Department, Government of West Bengal being the respondent No. 2, to consider the representation of the present petitioner annexed as (Annexure P-20) of the instant writ petition dated 18.01.2019 and pass a reasoned order in accordance with law within a period of eight (8) weeks from the date of receipt of this order by giving an opportunity to the petitioner of being heard.

The concerned authority shall pass a reasoned decision within a stipulated period and shall inform the decision to the petitioner within two weeks thereafter.

Accordingly, the impugned order dated 4.10.2018 passed by the Principal, Directorate of

Mass Education, Extension Department,  
Government of West Bengal, in response to the  
representation of the present petitioner is hereby set  
aside.

The respondent authority is at liberty to take  
a fresh decision on considering all attending facts  
and circumstances, Notification and according to  
law.

Accordingly, the instant **WPA 2077 of 2020**  
is disposed of.

Connected applications, if pending are also  
disposed of.

Parties to act upon the server copy and  
urgent certified copy of this order be provided on  
usual terms and conditions.

**(Subhendu Samanta, J.)**