

15.05.2024
Item No.09 DL
Ct.18
A.J.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
WPA 3409 of 2024**

**Debajyoti Maity
-Vs-
The State of West Bengal & Ors.**

Mrs. Rama Halder,
Ms. Diya Dutta.
.... for the Petitioner.

Mr. Arindam Chattopadhyay,
Mr. Sujoy Ash.
....for the State.
Ms. Saswati Chatterjee.
.....for the WBBSE.

Mr. Kanak Kiran Bandyopadhyay.
.....for the WBCSSC.

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

The petitioner had participated in the 12th Regional Level Selection Test, 2011 for appointment in the post of Assistant Teacher but was unsuccessful.

The petitioner, after a long legal battle, could get the appointment in the post for which he had applied for, his appointment was approved with effect from December 19, 2023.

The petitioner is now praying seniority and other financial benefits with effect from the date when the first list of eligible candidates in relation to the said selection test was published.

Ms. Halder, learned advocate for the petitioner submits that similarly placed teachers have already

been given the benefits which the petitioner is now praying, in support of her such contention, she refers to the order of the Principal Secretary, School Education Department bearing Memo no. 763-SE(Law)/SL/5S-273/2021 dated June 23, 2022.

It appears from the said order dated June 23, 2022 that in compliance with an order passed in WPA 12722 of 2021, the said Principal Secretary had disposed of a representation of a teacher who appears to be similarly placed with the petitioner by allowing incremental benefits to the said teacher, notionally with effect from November, 2013 and forwarded the claim of the said teacher for grant of consequential monetary benefit to the Finance Department, Government of West Bengal for consideration.

A comprehensive representation of the petitioner dated April 25, 2024 praying similar relief is pending consideration before the said Principal Secretary. The said representation forms part of the supplementary affidavit.

The said authority is directed to consider and dispose of the said representation in accordance with law, taking into consideration of the aforementioned Memo dated June 23, 2022, and if necessary, after giving the petitioner an opportunity of hearing.

Entire exercise in this regard is required to be completed within a period of eight weeks from the date of filing of such representation.

W.P.A. 3409 of 2024 is disposed with the above terms of without any order as to costs.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have been 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 copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)