

22.04.2024
(M/L 292)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 3840 of 2022

Sarmila Poddar

-Vs-

The State of West Bengal & Ors.

Mr. Ekramul Bari,

.... For the Petitioner.

Mr. Bhaskar Prasad Vaisya, Ld. A.G.P,
Md. Mansoor Alam,

.... 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, appoints Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader and his junior Md. Mansoor Alam, an advocate in the State roll to represent the State, their appointments be regularized, copy of the writ petition be served upon Mr. Alam.

The petitioner was an Assistant Teacher in Belegkata Deshbandhu Girls High School, Kolkata of the subject Geography.

On attaining the age of superannuation, she has retired from her said service on February 28, 2022.

The petitioner, during the tenure of her service enjoyed the post graduate scale of pay without obtaining approval of the District Inspector of Schools (S.E), Kolkata, the respondent no. 3 herein.

The said respondent, while processing the pension papers of the petitioner raised objection as to her entitlement to get the said scale of pay.

Mr. Bari, learned advocate for the petitioner submits that in terms of G.O. No.148-SE(S)/4A-25/11 dated December 02, 2011, the petitioner is not required to take approval from the respondent

no. 3 to get the benefit of post-graduate scale of pay. However, the petitioner, to avoid unnecessary controversy has applied for post-facto approval of the said post-graduate scale of pay. A representation of her to the said effect dated February 21, 2022 is pending consideration before the respondent no. 3. The said representation forms part of the writ petition, being annexure P-7.

Mr. Bari prays that the said representation may be disposed of.

The respondent no. 3, therefore is directed to consider and dispose of the representation of the petitioner taking into account all the relevant Government Orders and, if necessary, after giving the petitioner and the school authority opportunity of hearing. The respondent no. 3 is required to complete the directed exercise within a period of six weeks from the date of communication of this order.

W.P.A. 3840 of 2022 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 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)