

SL.87
11.12.2024
Court No.25
S. Gayen

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 3322 of 2020

**Mukul Das
Versus
The State of West Bengal & Ors.**

Mr. Dwijadas Pattanayak
...for the Petitioner.

Mr. Gourav Das
...for the State.

1. Supplementary affidavit filed by the petitioner in Court today be taken on record. The petitioner seeks leave to incorporate the Headmaster and President of the Managing Committee of Chak-Rasul Indra Narayan Sikshaniketan (H.S.) School as party-respondents in this case. Leave granted. Let the Headmaster and Administrator of Chak-Rasul Indra Narayan Sikshaniketan (H.S.) School be added as party respondent in this case.
2. In the instant case, the petitioner, a Masters Degree qualified Physical Education teacher, has

sought for necessary action to be taken on the part of the respondent authorities in granting him the higher scale of pay meant for post graduate teachers, which has been declined by the State respondent authorities to him earlier. The petitioner, before joining in the school completed his Masters Degree. However with effect from September 13, 2007 he has been appointed and approved as a Physical Education teacher in the respondent school as post graduate candidate.

3. Similar facts have been dealt with by this Court in the previous order dated September 20, 2024 in WPA 23788 of 2017 (*Dhananjay Sardar vs. The State of West Bengal & Ors.*).
4. The Court is of the considered opinion in the factual background of the present case, the same can be disposed of in the light of the ratio decided earlier in *Dhananjay Sardar's Case* (supra).
5. Therefore, in the present case, the Court is inclined to hold that the impugned order dated October 31, 2019, be set aside. The petitioner's prayer is hereby relegated to the Commissioner of School Education, West Bengal for appreciation afresh, after taking into consideration the provisions of the Government Orders being ROPA,

1998 and 417SE (S) dated March 8, 2000 and the judicial pronouncements of the Hon'ble Court settling the law in this regard.

6. In doing so, the concerned authority shall afford a reasonable opportunity of hearing to the petitioner and allow him to submit necessary documents/judgments/Government Orders.
7. The Commissioner of School Education, Government of West Bengal shall dispose of the prayer of the petitioner in accordance with law by delivering a reasoned order within a period of three weeks from the date of communication of this order.
8. With the above observations and directions, the writ petition being **WPA 3322 of 2020** stands **disposed of**.
9. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)