

WPA 5852 of 2021

Sukla Karmakar

Vs.

The State of West Bengal & Ors.

**Mr. K.M. Hossain,
Ms. Keya Sutradhar.**

... for the petitioner

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner's innocuous prayer for a direction upon the respondent District Inspector of Schools, Secondary Education, South 24 parganas to consider her representation dated February 1, 2021, requesting for grant of pay scale made for post graduate candidates, pursuant to her obtaining higher qualification in the course of her service.
3. It appears that the petitioner was inducted in service in 2009 when she had already completed a part of the Master degree course.
4. She finally completed her Master degree course, the last examination was held on August 11, 2011.
5. After being qualified the petitioner has sought for grant of higher pay scale.
6. Her such prayer is yet to be considered by the respondent authority.
7. None appears for the State respondent in spite of service of notice.
8. However, considering the facts and circumstances of the case, the Court finds it proper to dispose of the writ petition in absence of the State respondent with the following directions:-

- (i). The respondent no. 3 is directed to immediately consider petitioner's representation dated February 1, 2021, in the light of the law settled in this regard by the Hon'ble Larger Bench of this Court in the case of ***Utpal Kanti Karan vs. The State of West Bengal & ors.*** reported in **2024 SCC Online CAL 1274**.
- (ii). In doing so, the writ petitioner shall be granted an opportunity of hearing .
- (iii). The respondent no. 2 shall pass a reasoned order unless it allows the writ petitioner's prayer for grant of higher pay scale.
9. Needless is to mention that in case of of respondent no. 3 decides to allow petitioner's prayer as above, necessary consequential steps was immediately be taken by the same in accordance with law.
10. The entire exercise as above shall be concluded by the respondent no. 3 within a period of four weeks from the date of communication of this order.
11. Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
12. With the above observations and directions, the writ petition being WPA 5852 of 2021 is disposed of, along with the pending applications, if any.
13. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)