

22.04.2024
Item No.31
Ct. No. 7
KS

W.P.A. 3552 of 2007

**Md. Sefatullah
Versus
The State of West Bengal & Ors.**

Mr. Kazi Sajjad Alam
Ms. Afsana Khatun
Mr. Mainul Thander
.....for the petitioner
Mr. Supriyo Chattopadhyay, Ld. A.G.P.
Mr. Suman Dey
.....for the State

1. The petitioner claims to have joined as an Assistant Teacher at Bhaluka R.M.M.M. Vidyapith (H.S.) in the district of Malda on 25th August, 1999 pursuant to a recommendation being made by the West Bengal School Service Commission.
2. The petitioner claims to have completed the Masters Degree in Arts (Arabic) from Calcutta University in the year 2000. The petitioner applied for higher scale of pay before the Managing Committee and the Managing Committee, by resolution dated 12th November, 2006, recommended the case of the petitioner for grant of higher scale of pay. The

grievance of the petitioner is that till date, the said representation has not yet been disposed of.

3. Mr. Chattopadhyay, learned Additional Government Pleader submits that the issue with regard to higher scale of pay was pending before this Hon'ble Court and very recently a Larger Bench of this Hon'ble Court in a batch of writ petitions the lead case being, *W.P.A. 9921 of 2007 in Utpal Kanti Karan Vs. State of West Bengal & Ors.* have decided the said issue.
4. Mr. Chattopadhyay, learned advocate, however, submits that the petitioner is not entitled to higher scale of pay as per the decision of the Hon'ble Larger Bench. Such fact is, however, disputed by the learned advocate for the petitioner.
5. Since, the authorities have not taken any decision with regard to the prayer of the petitioner for grant of higher scale of pay, W.P.A. 3552 of 2007 is disposed of by directing the District Inspector of Schools (S.E.) being the respondent no.3 to consider the representation of the petitioner dated 16th January, 2007, which is annexed as P/9 at page 46 of the writ petition and to dispose of the same in the light of the decision of the Hon'ble Larger Bench in the case of

Utpal Kanti Karan (supra) by passing a reasoned order after giving an opportunity of hearing to the petitioner or his authorized representative. The entire exercise shall be completed within a period of four weeks from the date of receipt of server copy of this order.

6. There shall be, however, no order as to costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(HIRANMAY BHATTACHARYYA, J.)