

Ml- 13.08.2024
110 Ct.18
rkd

W.P.A. 6766 of 2023

Sowkat Hossain Piyada

-vs-

The State of West Bengal & Ors.

Mr. Chandan Misra,
Mr. Debabrata Majumder

....for the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Matter is heard in presence of the learned
advocates representing the petitioner and the State
respondents.

By presenting this writ petition petitioner
has prayed for pay protection in consideration of
the pay which has been granted to another
Assistant Teacher, namely, Md. Habibullah who is
working along with the petitioner in a Madrasah,
namely, Moulana Abul Kalam Azad Memorial High
Madrasah (HS).

During course of hearing Mr. Misra, learned
advocate representing the petitioner has drawn
attention of this Court to a memo dated 16th
December, 2022 issued by the District Inspector of
Schools (SE), North 24 Parganas wherefrom it

appears that the issue relating to granting pay protection in favour of the petitioner was forwarded to the Director of Madrasah Education, West Bengal being respondent no.3 for approval in terms of Government Order No.151-SE(B) dated 12th May, 2006.

The grievance of the petitioner is in spite of forwarding the issue to the respondent no.3 till date no decision has been taken on the prayer of the petitioner for grant of pay protection.

State respondents are represented by learned advocates who submits that since the issue has been forwarded to the respondent no.3 the said respondent no,3 needs to take decision in accordance with law.

Having considered the submissions made on behalf of the parties and taking note of the memo dated 16th December, 2022 issued by the District Inspector of Schools (SE), North 24 Parganas the writ petition stands disposed of directing the Director of Madrasah Education, West Bengal being respondent no.3 to take decision on the claim of the petitioner to extend the benefit of pay protection in terms of the aforesaid Government Order dated 12th May, 2006 by eight weeks from the date of communication of this

order.

The respondent no.3 is directed to pass a reasoned order after granting opportunity of hearing to the petitioner or his representative.

The decision to be taken by the respondent no.3 shall be communicated to the petitioner by one week thereafter.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)