

10.09.2024
Court No. 18
Item No. 03
(Suvendu)

W.P.A. 8446 of 2023

Hafizur Rahaman

-Versus-

The State of West Bengal & Ors.

Mr. Anit Kumar Das

Ms. Rupsha Chakraborty

...for the petitioner

Mr. Biswabrata Basu Mallick, Ld. AGP

Mr. Sayan Ganguly

.....for the State respondents

In terms of the order dated 20th August, 2024 a report in the form of affidavit affirmed on 5th September, 2024 is filed today and same is taken on record.

On perusal of the said report, it appears that a decision has been taken by the concerned State respondents, as it emanates from the observation made by the OSD and EO Director of Madrasah Education, West Bengal. According to the said observation, since petitioner was appointed with educational qualification of M.M. (Mumtazul Muhadethin) in terms of Revision of Pay and Allowances Rules, 1998 (ROPA 1998) petitioner was entitled to receive under graduate scale of pay from the date of his appointment on 21st February, 2001 for a period of five years and thereafter petitioner was entitled to receive graduate scale of pay.

In contra-distinction to the relevant provisions of ROPA 1998 petitioner was wrongly

granted graduate scale of pay from 21st February, 2001 and same was refixed in under-graduate scale of pay from December, 2004 and graduate scale of pay was revived from March, 2013. It appears that in terms of the observation made by the OSD and EO Director of Madrasah Education pay structure of the petitioner needs to be refixed in terms of the relevant provisions of ROPA 1998, ROPA 2009 and ROPA 2019.

Accordingly, the District Inspector of Schools (SE), Barasat. North 24 Parganas being respondent no. 4 is directed to refix pay of petitioner in terms of observation made by the OSD and EO Director of Madrasah Education, West Bengal as contained in a document which is at pages 17 and 18 of the report filed today on behalf of State respondents by four weeks from the date of communication of this order. After fixing pay of the petitioner eighteen years service benefit shall also be granted in favour of the petitioner and a final order relating to fixation of pay shall be passed within aforesaid time. Order to be passed by the respondent no. 4 shall be communicated to the petitioner within one week thereafter.

With the above observations and directions, the writ petition stands disposed of.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)

