

13.05.2024
(D/L 14)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 9296 of 2024
Archana Basu (Dhar)
-Vs-
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya,
Mr. Ashim Kumar Haldar,
.... For the Petitioner.
Mr. Dipanjan Datta,
Mr. Avik Biswas,
.... For the State.
Mr. Syed Nazmul Hossain,
Mr. Washef Ali Mondal,
.... For the Respondent no.9.
Ms. Koyeli Bhattacharyya,
.... For the WBBSE.
Mr. Kanak Kiran Bandyopadhyay,
.... For the S.S.C.

Affidavit-of-service filed on behalf of the petitioner be kept
with the record.

The petitioner had participated in the 12th Regional Level
Selection Test, 2011 for appointment in the post of Assistant
Teacher but was unsuccessful.

The petitioner, after a long legal battle, could get the
appointment in the post for which she had applied for, her
appointment was approved with effect from May 08, 2023.

The petitioner is now praying seniority and other financial
benefits with effect from the date when the first list of eligible
candidates in relation to the said selection test was published.

Mr. Bhattacharya, learned senior advocate for the petitioner
submits that similarly placed teachers have already been given the
benefits which the petitioner is now praying, in support of his such
contention, he refers to the order of the Principal Secretary, School
Education Department bearing Memo no. 763-SE(Law)/SL/5S-
273/2021 dated June 23, 2022.

It appears from the said order that in compliance with an order passed in WPA 12722 of 2021, the said Principal Secretary had disposed of a representation of a teacher who appears to be similarly placed with the petitioner by allowing incremental benefits to the said teacher, notionally with effect from November, 2013 and forwarded the claim of the said teacher for grant of consequential monetary benefits to the Finance Department, Government of West Bengal for consideration.

Liberty is granted to the petitioner to file a comprehensive representation praying similar relief as indicated above before the Principal Secretary, School Education Department, Government of West Bengal.

The said authority is directed to consider and dispose of the said representation in accordance with law, taking into consideration of the aforementioned Memo dated June 23, 2022, and if necessary, after giving the petitioner an opportunity of hearing.

Entire exercise in this regard is required to be completed within a period of eight weeks from the date of filing of such representation.

W.P.A. 9296 of 2024 is disposed with the above terms of without any order as to costs.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)