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Ct. 18
01.04.2024

W.P.A. 9434 of 2022

Subrata Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Sk. Sahjahan Ali,
Mr. K. C. Das ... For the petitioner.

Mr. Biswabrata Basu Mallick, AGP,
Mr. Tapas Kr. Mandal ... For the State.

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

The State since was not represented initially this
Court had engaged Mr. Biswabrata Basu Mallick,
learned Additional Government Pleader, however
subsequently the learned advocate for the State
appears, be that as it may engagement of Mr. Basu
Mallick be regularized.

A co-ordinate Bench of this Court by the order
dated January 31, 2022 passed in W.P.A. 11189 of
2014 had directed the District Inspector of Schools
(S.E.), 24 – Parganas (North), the respondent no. 4
herein, to consider the prayer of the petitioner for
fixation of higher scale of pay on enhancement of his
qualification in the relevant subject.

The said respondent by the order impugned bearing
Memo No. 44/LAW, dated April 29, 2022 has rejected
the said prayer of the petitioner.

It appears from the order impugned that the Judgment of the Special Bench of this Court passed on February 07, 2024 in WPA 9921 of 2007 with APO 343 of 2013 with WPA 303 of 2023 (***Utpal Kanti Karan vs. The State of West Bengal & Ors.***) was not placed before the respondent no. 4 while he was considering the prayer of the petitioner. The said judgment of the Special Bench is a pointer to the issue which the petitioner is canvassing, therefore, rejection of the prayer of the petitioner without considering the said judgment is not justified.

The order impugned is set aside with a direction upon the said respondent to consider the prayer of the petitioner afresh in the light of the observations made by the Special Bench in the abovementioned judgment.

The exercise in this regard is to be completed within a period of four weeks from the date of communication of this order.

W.P.A. 9434 of 2022 is disposed of with the above terms without any order as to costs.

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

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

(Biswajit Basu, J.)