

21.03.2024
Item No. 08
Crt.No.22
b.r.

WPA 10509 of 2018

Ashim Mondal
-vs-
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
..... for the petitioner.

Affidavit of service filed in Court today, is taken on record.

Mr. Sakti Pada Jana, learned counsel, appears for the petitioner.

None appears for the respondents.

Considering the claim in the writ petition and considering the pendency of the writ petition for a considerable period, this Court is of the view that, no fruitful purpose shall be served by keeping this writ petition pending any further. Accordingly, this Court proceeds for its disposal.

The petitioner claims higher pay scale for acquiring post graduation degree in the relevant subject.

Referring to a representation dated **November 8, 2014, annexure p-7 at page-35** to the writ petition, Mr. Jana, learned counsel for the petitioner submits that the said representation has not yet received the attention of the State authority since 2014.

In view of the above, to sub-serve justice, the petitioner shall serve a copy of complete set of writ petition upon respondent no.2 and respondent no.4 along with a copy of today's order.

Upon receiving the said communication from the petitioner, the **respondent no.2** upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent no.4 shall decide the said representation of the petitioner dated **November 8, 2014, annexure p-7 at page-35** to the writ petition after affording an opportunity of hearing to them and by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent no.2 positively within a period of **six weeks** from the date of receiving the said communication from the petitioner as directed above. The respondent no.2 shall communicate its reasoned order to the petitioner and the respondent no.4 positively within a period of further **two weeks** from the date of the reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the parties who will attend the hearing before the respondent no.2 shall be at liberty to urge whatever points they wish to urge by relying upon whatever

provisions of law, records and judgements they wish to rely upon.

In the event, the reasoned order goes in favour of the petitioner, the **respondent no.3** shall give effect thereto positively within a period of **two weeks** from the date of communication of the reasoned order.

It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner is not eligible to receive his claim strictly in accordance with law.

On the above terms, this writ petition, **WPA 10509 of 2018** stands **disposed of**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)