

25.06.2024  
Ct. 23  
D/L 13  
ab

**IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE**

**WPA 13292 of 2024**

**Sumanta Kumar Pal**

**-Vs-**

**The State of West Bengal & Ors.**

Mr. Saibal Kumar Acharya,  
Mr. Aninda Bhattacharya,  
Mr. Sudip Sarkar,

.... for the petitioner

Mr. Ratul Biswas,  
Mr. Praiyabrata Ghosh

... for the State

Md. Sarwar Jahan,  
Ms. Mousumi Mitra,  
Ms. Tapati Sarkar ... for the respondent no. 2 & 3

Mr. Santimay Bhattacharyya  
... for the respondent no. 7

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

The petitioner says that he had been appointed as  
Programme Assistant-cum-Data Entry Operator under  
the District Nodal Officer, Paschim Medinipur in Sishu  
Sikshya Kendra (SSK)/Madhyamik Shikshya Kendra  
(MSK). The petitioner says that he has been working  
since 1<sup>st</sup> September, 2008 on continuous basis upon  
his tenure being extended from time to time. The  
petitioner also says that the Government Circulars

dated 16<sup>th</sup> September, 2011 and 1<sup>st</sup> March, 2024 in respect of enhancement of the petitioner's salary and/or remuneration has not been provided to the petitioner. The petitioner has made several representations but the same has remained unaddressed.

After hearing the parties and considering the materials on record, I do not find any scope of passing a mandatory direction upon the respondent authorities to grant the benefits of the two Government order/ Circular for enhancement of salary/remuneration of the petitioner. At this stage, the concerned authority can only be directed to consider the petitioner's representation which according to this Court will subserve the ends of justice.

The petitioner has made representation to the Principal Secretary, Finance Department, Government of West Bengal and other office bearers under SSK-MSK. The ultimate in charge of the affairs of SSK-MSK is not the Principal Secretary, Finance Department, Government of West Bengal but the Principal Secretary, Education Department, Government of West Bengal, who has, however, not been made a party to the instant writ petition.

In the aforesaid facts of the case, I grant leave to the petitioner to add the Principal Secretary, Education Department, Government of West Bengal as a party respondent in the instant writ petition and dispose of

the writ petition by directing the said added respondent to consider the instant writ petition as a representation made by the petitioner and dispose of the same by a reasoned order within three months from the date of service of this writ petition after affording the petitioner an opportunity of hearing. Let a copy of the writ petition be served upon the added respondent by 5<sup>th</sup> July, 2024. The Principal Secretary, Education Department, Government of West Bengal (added respondent) shall adjudicate upon the issue independently without being influenced by any observation made in this order. It is also clarified that this Court has not gone into the merits of the matter.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Arindam Mukherjee, J.)**