

WPA 14431 of 2019

Bishnudeb Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Debabrata Roy,
Mr. Kaushal Kumar,
Ms. Priyanka Mondal,
Ms. Sarbani Mukherjee.
... for the petitioner

Mr. Shamimul Bari.
... for the State

1. An order of the Director of Mass Education and Ex-Officio Additional Secretary, Mass Education Extension and Library Services Department, West Bengal dated June 20, 2019 rejecting petitioner's prayer for grant of approval, is challenged in the instant writ petition.
2. Mr. Roy, learned counsel appearing for the petitioner has submitted that three of the persons including the present petitioner were appointed in the Music department as the instructors and head of the music department respectively by the Ramkrishna Mission Blind Boys' Academy (School Section), Narendrapur.
3. Their approval has been rejected by the said authority by dint of the letter as above on the ground of them being 'instructors' and not 'teachers' of the said school.
4. Hence, the authority decided by dint of the said impugned order, that the said incumbents including the petitioner, are not eligible for the benefit of equal pay as the teachers in the school.

5. The present petitioner is the head of the music department and appointed by the said school by dint of the appointment letter dated May 28, 1999.
6. Mr. Roy, learned counsel for the petitioner would take this Court to an order of the Hon'ble Coordinate Bench passed in the writ petition being W.P.A. No. 14427 of 2019 dated August 17, 2023, to submit that one of the incumbents, who was appointed as a music instructor, moved the Court by dint of the same and the Court after due consideration, has set aside the impugned order dated June 20, 2019.
7. The Court in the said writ petition has directed the respondent to consider afresh of the prayer of the writ petitioner there.
8. Mr Shamimul Bari, learned counsel is representing the State. So far as the order passed by the Court in WPA no. 14427 of 2019 is concerned, he has acknowledged due information about the same.
9. In view of the order of the Hon'ble Coordinate Bench passed in WPA no. 14427 of 2019 dated August 17, 2023, the Court finds that the impugned order that is dated June 20, 2019 of the Director of Mass Education and Ex-Officio Additional Secretary, Mass Education Extension and Library Services Department, West Bengal has been set aside by the Court already. Hence, it is required that the petitioner's case be considered afresh, since the impugned order as above has already been set aside.
10. In consideration of the same, it is found proper that the writ petition be disposed of by directing the said

respondent no. 2 to consider the prayer of the petitioner for approval afresh, in the light of the ratio decided by the Hon'ble Coordinate Bench in the judgment dated August 17, 2023 in WPA no. 14427 of 2019.

- 11.** The entire exercise as above shall be concluded by the concerned respondent authority within a period of four weeks from the date of communication of copy of this order.
- 12.** This writ petition being WPA No. 14431 of 2019 is disposed of, along with the pending applications, if any.
- 13.** Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)