

21st March, 2024
(D/L No.52)
(SKB)

WPA 20773 of 2021
With
CAN 1 of 2023

Kamalika Naskar
Versus
The State of West Bengal and others

Sk. Sahjahan Ali,
Mr. K. C. Das

... for the petitioner.

Ms. Iti Dutta

... for the State.

1. Heard.
2. By filing the instant writ petition, it has been contended that the writ petitioner's name has been recommended for the post of Assistant Teacher in Home Science of the Kulpi Kalika Vidyapith (High Secondary) by the West Bengal Regional School Service Commission on 17.3.2012 and pursuant to such recommendation, the writ petitioner joined the said school on 24.04.2012 and her service was duly approved by the D.I. of Schools, South 24-Parganas on 08.6.2012.
3. It is the further case of the petitioner that prior to joining in the said school, petitioner took admission in M.Sc. in Home Science (Human Development) in the year 2010 for the academic Session 2010-2012

under the University of Calcutta. It has been further contended that immediately after joining in the said school, the writ petitioner made a prayer to the Secretary of the Managing Committee of the said school to allow her to sit in the final examination of M.Sc. in Home Science and the same has been subsequently allowed by a resolution of the Managing Committee of the said school.

4. It is the further case of the petitioner that thereafter, the writ petitioner passed her master degree examination and after passing such examination, she made representation before the Secretary of the Managing Committee of the said school to grant higher scale of pay on account of her achievement of master degree and, ultimately, by a resolution passed by the said Managing Committee, referred the matter to the D.I. of School, South 24 Parganas for due consideration of the same but it is the grievance of the petitioner that despite such communication, the concerned D.I. sat tight over the matter and took no decision till date.
5. It is further argued that in the meantime, on the basis of mutual transfer, the writ petitioner was transferred to Putiary, Brajamohan Tewary Girls High School (Higher Secondary) and she is discharging her duties in the said school.

6. In course of his argument, learned advocate for the petitioner places his reliance on a decision passed in ***MAT 825 of 2020 (Md. Adeel Uz Zaman Vs. The State of West Bengal & Others)***.
7. It is contended by learned counsel for the petitioner that in a similarly circumstanced matter, the Division Bench of this court directed the D.I. of Schools (Secondary Education), Murshidabad to consider the prayer for higher scale of pay to the petitioner/appellant in MAT 825 of 2020.
8. On perusal of the decision of **Md. Adeel Uz Zaman**(supra), it appears to this court that the present writ petitioner is almost similarly circumstanced with the appellant in MAT 825 of 2020.
9. In view of such, this court directs the respondent no.3 being the D.I. of Schools (High Secondary) Kolkata to consider the instant writ petition as a representation of the writ petitioner in the light of the observation as taken by the Division Bench in MAT 825 of 2020 and after giving an opportunity of hearing to the petitioner, a reasoned order shall be passed within a period of three months from the date of communication of this order. It is further directed that a copy of the said reasoned order shall have to be communicated to the writ petitioner through 'e-

mail' for which this court grants liberty to the writ petitioner to furnish her 'e-mail' account detail to the respondent no.3 at the time of hearing before him.

10. With the aforementioned observation, the instant writ petition is disposed of.

11. The application being CAN 1 of 2024 is, thus, disposed of.

12. Parties are to act on the server copies of this order.

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

(Partha Sarathi Sen, J.)