

7th May, 2024
(D/L No.47)
(SKB)

W.P.A. 20188 of 2012

Debasish Pramanik
Versus
State of West Bengal and others

Mr. S. S. Arefin
... for the petitioner.

Mr. Avijit Sarkar,
Mr. Durga Bhusan Mukhopadhyay
... for the State.

1. Both the petitioner and the State respondent are represented by their respective learned advocates.
2. In this writ petition, the writ petitioner has prayed for setting aside the order dated 24.8.2012 as passed by the District Inspector of Schools (SE), Burdwan whereby and whereunder the prayer of the writ petitioner to grant higher scale of pay was turned down.
3. From the materials placed before this court, it reveals that in the earlier round of litigation, a coordinate Bench while disposing of a writ petition being W.P.2713(W) of 2005 by an order dated 06.07.2012 directed the District Inspector of Schools (SE), Burdwan to consider the representation of the writ petitioner.
4. In course of hearing, learned counsel for the writ petitioner submits before this court that on the self-

same issue a Special Bench judgment came to be passed on February 7, 2024 in WPA 9912 of 2007 with APO 3 of 2023 with W.P.A. 303 of 2023 (Utpal Kanti Konar Vs. State of West Bengal and others).

5. It is further submitted that since the order under challenge has been passed on 24.08.2012, the District Inspector of Schools (SE), Burdwan had no occasion to go through the judgment of the Special Bench as was passed in 7th February, 2024. It is further argued that the said judgment of the Special Bench is a pointer to the issue which the petitioner is canvassing and, therefore, an appropriate order may be passed directing the District Inspector of Schools (SE), Burdwan to consider the representation of the writ petitioner in the light of the judgment of the Special Bench.
6. Learned counsel for the State though opposes the prayer but he concedes that there was no occasion to consider the Special Bench judgment by the said D.I.
7. In view of such, the order dated August 24, 2012 as passed by the District Inspector of Schools (SE), Burdwan, which impugned before this court, is set aside. The District Inspector of Schools (SE), Burdwan is directed to consider the instant writ petition as a representation of the writ petitioner and the said D.I. is further directed to consider the

representation in the spirit of the aforesaid judgment of the Special Bench and shall pass a reasoned order in accordance with law after giving adequate opportunity of hearing either to the writ petitioner or to his learned advocate within a period of two months from the date of communication of this order. The reasoned order as would be passed by the concerned D.I. shall be communicated to the writ petitioner within a period of a fortnight from the date of passing such order either by Speed Post or through e-mail, if the petitioner provides his e-mail address to the said D.I. in writing.

8. With the aforesaid observation, the writ petition is disposed of.
9. All the parties to the instant lis are directed to act on the server copy of this order.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties after compliance of all necessary formalities.

(Partha Sarathi Sen, J.)