

04 **03.10.
2024**

Ct. No. 08

Ab

**MAT 1882 of 2024
IA No. CAN 1 of 2024**

**Md. Majibar Rahaman Sardar
Vs.
State of West Bengal and others.**

**Mr. Ekramul Bari,
Mr. Sk. Imtiaz Uddin.**

... for the appellant.

**Mr, Suman Dey,
Ms. Subhasri Chatterjee.**

... for the State.

The writ petition filed by the petitioner, the appellant herein, is dismissed by the Single Bench treating the same to be premature.

The scale of pay of the petitioner/appellant was fixed after his appointment to the post of Assistant Teacher in Madrasah and the concerned District Inspector of Schools wrote to the Director of Madrasah Education on 10th June 2024 to approve the scale of pay and also the 18 years benefit or the additional benefit, which the petitioner/appellant would be entitled,

The grievance of the petitioner/appellant is in respect of a communication dated 29th July 2024 where the Director of Madrasah Education informed the concerned District Inspector of Schools to take necessary action for pay fixation in terms of the G.O. dated 12th February 1999 and to proceed for the recovery of the overdrawal from the incumbent. Till date the scale of pay has not been fixed by the concerned District Inspector of Schools. The litigant cannot presume that the concerned District Inspector of Schools would take adverse decision.

The District Inspector of Schools has not taken a conscious decision thereupon and, therefore, we do not find any ambiguity and/or illegality in the order of the Single Bench in dismissing the writ petition as

premature.

In the event, any right is affected by fixation of the scale of pay and an attempt is made to recover any excess amount, it is open to the petitioner/appellant to take appropriate steps in this regard.

With these observations, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Partha Sarathi Sen, J.)