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W.P.A. 23736 of 2023
Chandan Kumar Biswas
Vs.
The State of West Bengal & Ors.

Mr. Shamim Ul Bari ... For the petitioner.

Mr. Pinaki Bhattacharyya,
Ms. Mita Bag ... For the State.

The petitioner is an Assistant Teacher of Chakdaha Purbachal Vidyapith (H.S.), District – Nadia of the subject History. The District Inspector of Schools (S.E.), Nadia, the respondent no. 3 herein, vide his Memo No. 245/Gen/S.E. dated June 19, 2012 had rejected the prayer of the petitioner for higher scale of pay on enhancement of his qualification in the relevant subject.

Mr. Bari, learned advocate for the petitioner submits that subsequent to the said rejection, the petitioner, by virtue of the Government order bearing No. 438-SE/S/5P-19/09 dated May 19, 2014 issued by School Education Department, Secondary Branch, Government of West Bengal is entitled to renew his prayer for such higher scale of pay. He further submits that the concerned authority may be directed to reconsider the prayer of the petitioner.

The following excerpts of the said government order *prima facie* justifies the prayer of the petitioner –

“In old cases where the said Committee/Administrator allowed for improvement of qualification and passed resolution for allowing higher scale of pay, the

District Inspector of Schools will consider the cases, ignoring the clause for obtaining permission from the District Inspector of Schools if they are eligible otherwise.”

To facilitate such reconsideration, the petitioner is required to serve a copy of the writ petition upon the respondent no. 3. The said respondent shall treat the said copy as the representation of the petitioner and shall thereafter proceed to dispose of the prayer of the petitioner for such higher scale of pay, in accordance with law, taking into consideration the said Government order dated May 19, 2014 and other relevant Government orders on the subject, if necessary, after giving the petitioner an opportunity of hearing.

The entire exercise in this regard is to be completed as expeditiously as possible, preferably within a period of eight weeks from the date of supply of the copy of the writ petition to the said respondent.

W.P.A. 23736 of 2023 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have denied by the respondents.

Parties to act on the server copy of this order downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)