

A-90 16.4.2024
Sc Ct. no.22

WPA 25758 OF 2014

Jayanta Kumar Mukhopadhyay

Vs.

State of West Bengal & Ors.

Mr. Gazi Faruque Hossain

Ms. Priyanka Mondal.

....For the Petitioner

Mr. Gourav Das

Mr. Hemanta Kumar Das.

....For the State

Affidavit-of-service, filed in Court today, is taken on record.

This is a hearing matter. Though direction for affidavit was there but not filed by the parties.

The petitioner is working as an **Assistant Teacher (Physical Education)** at the relevant school. The petitioner has acquired the **Ph.D.** in the year **2010** after **The Control of Expenditure Act, 2005** has come into force.

The petitioner claims additional two increments owing to acquiring the **Ph.D.**. The issue is now well settled by the Hon'ble Division Bench **In the matter of : The State of West Bengal & Ors. -vs.- Satyabrata Mahapatra & Ors.** dated **September 13, 2023** rendered in **AST 117 of 2014**.

In view of the above, to subserve justice, the respondent no.2 upon giving a prior hearing notice of at

least seven days to the petitioner and the respondent no.4 and after affording an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law in the light of the judgment of the Hon'ble Division Bench ***In the matter of : Satyabrata Mahapatra & Ors. (supra)***, as referred to above.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.2 positively within a period of ***six weeks*** from the date of communication of this order.

The respondent no.2 then shall communicate this reasoned order to the petitioner and the respondent no.4 positively within a ***further*** period of ***two weeks*** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner.

Following the reasoned order all consequential and necessary steps shall be taken by the appropriate authority.

The reasoned order to be passed, as directed herein, shall have overriding effect and shall prevail upon any previous decision on the issue with regard to this particular petitioner.

With the above observation and direction, this writ petition, ***WPA 25758 of 2014*** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Aniruddha Roy, J.)