

16.04.2024
Item No.176 ML
Court No.18
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

W.P.A. 25991 of 2023

Biswajit Pramanik

-Vs-

The State of West Bengal & Ors.

Mr. Siddhartha Sankar Mandal,
Ms. Arunima Das Sharma.
.....for the petitioner.

Mr. Suman Dey,
Md. Ziaur Rahaman.
....for the State.

The petitioner is an Assistant Teacher at Mobarakpur Colony High School, Haripur, Chhitka, District : Nadia of the subject Mathematics.

The petitioner being a successful candidate in the 7th Regional Level Selection Test (AT), 2006 got his said appointment in the year 2007. He was pursuing his Masters degree in Mathematics at the time of his said appointment and completed the said course in the year 2010.

The Headmaster of the school, on behalf of the petitioner, on October 04, 2023 had applied to the District Inspector of Schools (S.E.), District : Nadia, the respondent no.3 herein for fixation of higher scale of pay of the petitioner for enhancement of his qualification in the relevant subject.

The petitioner is complaining delay in disposal of the said representation.

Mr. Mandal, learned Advocate for the petitioner submits that in view of the decision of the larger Bench of

this Court dated February 07, 2024 passed in WPA 9921 of 2007 with CAN 1 of 2009 (CAN 4639 of 2009) with APO 343 of 2013 with WPA 303 of 2023 (*UTPAL KANTI KARAN vs. STATE OF WEST BENGAL & ORS*), the petitioner is entitled to the said higher scale of pay.

The respondent no.3 is therefore directed to consider and dispose of the said representation of the petitioner within a period of four weeks from the date of communication of this order after giving an opportunity of hearing to the petitioner and while disposing of the said representation, the said respondent shall take the aforementioned larger Bench decision of this Court into consideration.

WPA 25991 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 said writ petition are deemed to have been denied by the respondents.

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.)