

Item No.7
20.12.2024
Court. No. 551
GB

W.P.A. 26347 of 2016

Kuntal Biswas
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee

...for the Petitioner.

1. The receipted copy of the letter dated December 18, 2024 as filed on behalf of the writ petitioner is taken on record.
2. None appears on behalf of the State respondents and its functionaries, despite service.
3. By filing the instant writ petition, the writ petitioner has impugned the Memo No.143/GS/1(4) dated February 26, 2015 as issued by the Additional District Inspector of Schools (SE), Gangarampur Sub-Division, whereby and whereunder the writ petitioner's prayer for grant of higher scale of pay was not considered favourably.
4. In support of the instant writ petition, learned advocate for the writ petitioner submits before this Court that the writ petitioner joined the post of Assistant Teacher of the school of the respondent no.5 on October 7, 2002 and prior to such joining, the writ petitioner on September 23, 2002 took admission in M.Sc Part-I. It is the further case of the writ petitioner that after joining in Kushmandi High School on December 23, 2002, the writ petitioner made an application to the Secretary of the said school for

grant of leave to appear in M.Sc Part-II examination and on February 1, 2003 such leave was granted.

5. It is the further case of the writ petitioner that in the year 2003 the writ petitioner obtained M.Sc degree in second class in the subject of Chemistry and in 2005 the writ petitioner had also obtained B.Ed degree from the University of Calcutta.
6. It is contended that on November 22, 2006, the writ petitioner made an application to the Secretary of the said school for grant of higher scale of pay because of his enhancement of degree which was forwarded to the concerned D.I. on July 21, 2007 and ultimately by the impugned memo dated February 26, 2015 the writ petitioner's prayer was rejected on some flimsy grounds.
7. It is further submitted that in view of the judgment dated February 7, 2024 as passed in WPA 9921 of 2007 by a larger Bench of this Court, the law relating to grant of higher scale of pay is set at rest and therefore, the respondent authorities, more specifically, the respondent nos.2 and 3 are duty bound to grant and disburse higher scale of pay to the writ petitioner.
8. On perusal of the entire materials as placed before this Court and after considering the submissions of the learned advocate for the writ petitioner and also keeping in mind the judgment dated February 7, 2024 as passed in WPA 9921 of 2007 by a larger Bench of

this Court, this Court while disposing of the writ petition and while quashing the memo dated February 26, 2015 directs the respondent no.3, the Additional District Inspector of Schools (SE), Dakshin Dinajpur, Gangarampur Sub-Division to consider the instant writ petition as a representation of the present writ petitioner within a period of three months from the date of communication of this order, after giving due opportunity of hearing either to the writ petitioner and/or to his learned advocate and shall thereafter pass a reasoned order in accordance with law within a fortnight thereafter.

9. The respondent no.3 is further directed to communicate the reasoned order to the writ petitioner either through email, if the email detail of the writ petitioner is furnished to him at the time of hearing or through speed post forthwith.
10. It is made clear that the time limit as fixed by this Court is mandatory and peremptory.
11. Respondent no.3 is hereby directed to act on the server copy of this order.
12. With the aforementioned observations the instant writ petition being WPA 26347 of 2016 is disposed of.

(Partha Sarathi Sen, J.)