

03.05.2024
(M/L 758)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 27282 of 2023

Kalipada Maity
-Vs-
The State of West Bengal & Ors.

Ms. Rama Haldar,
Ms. Diya Dutta,
.... For the Petitioner.

Mr. Bhaskar Prasad Vaisya, Ld. AGP,
Mr. Gourav Das,
.... For the State.

Ms. Koyeli Bhattacharyya,
.... For the WBBSE.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey,
.... For the S.S.C.

Affidavit-of-service and the supplementary affidavit filed on behalf of the petitioner be kept with the record.

The petitioner had participated in the 12th Regional Level Selection Test, 2011 for appointment in the post of Assistant Teacher of the subject Physics (Hon's/PG), but was unsuccessful. However, after a long legal battle, he could get the appointment in the post for which he had applied for. His service has been approved with effect from October 05, 2023.

The petitioner is now praying seniority and other financial benefits with effect from the date when the first list of eligible candidates in relation to the said selection test was published.

Learned advocate for the petitioner submits that similarly placed teachers have already been given the benefits which the petitioner is now praying. In support of her such contention, she refers to the order of the

Principal Secretary, School Education Department bearing Memo no. 763-SE(Law)/SL/5S-273/2021 dated June 23, 2022.

It appears from the said order dated June 23, 2022 that in compliance with an order passed in WPA 12722 of 2021, the said Principal Secretary had disposed of a representation of a teacher who appears to be similarly placed with the petitioner by allowing incremental benefits to the said teacher, notionally with effect from November, 2013 and forwarded the claim of the said teacher for grant of consequential monetary benefit to the Finance Department, Government of West Bengal for consideration.

A comprehensive representation of the petitioner dated April 24, 2024 praying similar relief is pending consideration before the said Principal Secretary. The said representation forms part of the supplementary affidavit.

The said Principal Secretary is therefore directed to consider and dispose of the said representation in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of communication of this order.

W.P.A. 27282 of 2023 is disposed with the above terms of without any order as to costs.

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

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

(Biswajit Basu, J.)