

M/L 159
16.5.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27847 of 2023

Anindita Mandal
Vs.
The State of West Bengal & Ors.

Mr. Kaustav Chandra Das
Sk. Sahjahan Ali

...for the Petitioner.

Mr. Vimal Kr. Shahi
Mr. Vijay Agarwal

...for the State.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The petitioner was appointed as an Assistant Teacher at Barwa Panchkari Vidyamandir, District-Purba Bardhaman of the subject Mathematics, subsequently, on transfer, she joined at Gangapuri Siksha Sadan for Girls, Kolkata.

The petitioner, upon enhancement of her qualification in the relevant subject, has prayed for higher scale of pay.

Mr. Shahi, learned advocate for the State submits that the petitioner since did not obtain prior permission either of the District Inspector of Schools (S.E.), Purba Bardhaman, the respondent no. 3 herein under whose jurisdiction she was previously working or of the District Inspector of Schools (S.E.), Kolkata, the respondent no.4. herein, under whose jurisdiction she is presently working as per the mandate of the G.O. bearing no. 593-SE(B) dated November 27, 2007, she is not entitled to such higher scale of pay, as prayed for.

Mr. Das, learned advocate for the petitioner responding to the said submission of Mr. Shahi submits that the petitioner was pursuing her higher studies prior to joining the service, as such, no situation to take such prior permission arose, besides, in view of different judgments of this Court, the prayer of the petitioner for such higher scale of pay cannot be denied.

Liberty is granted to the petitioner to file a comprehensive representation before the respondent no.4 praying such higher scale of pay within a week from date, if such a representation is filed within the said period, the respondent no.4 shall dispose of it in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of filing of such representation, if necessary, after giving the petitioner an opportunity of being heard.

The petitioner is obliged to place all relevant judgments and rules on the subject before the said respondent at the time of disposal of the said representation.

WPA 27847 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 been denied by the respondents.

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

(Biswajit Basu, J.)