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Ct No.02
30.07.2024
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Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

WPA No. 308 of 2024

Sri Abhijit Nath
-vs-
State of W.B. & ors.

Mr. Jagriti Mishra
Ms. Ananya Bhattacharya
Ms. Mrinmoyee Das
...for the petitioner
Mr. Hirak Barman
Mr. Anirban Banerjee
..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was employed as a Library Assistant. He was transferred to another library. After some time, he applied for sitting in the examination conducted by the School Service Commission. He sat in the examination and was selected by the School Service Commission. Then he resigned as Librarian and joined a school as an Assistant Teacher on the same day. In the meantime, some other librarians obtained an order of pay protection from the Court of law. The matter had gone up to Supreme Court. The benefit was allowed to the petitioner as well. The petitioner joined the

High School with a salary which was less than his previous pay. He applied for revision of pay. The School agreed. But, the concerned respondent authorities despite several representations did not allow of such pay revision. The petitioner was constrained to move this Court. On 12.06.2014, this Court disposed of the petitioner's application being WPA 16315 (W) of 2014 by directing the respondent authorities to consider the petitioner's case. After about six years, by a communication dated 13.02.2020, the Deputy Director of School Education, G.A West Bengal rejected the petitioner's prayer by a non-speaking order containing one sentence. This is a complete lack of application of mind and abuse of the process of Court.

Learned counsel appearing on behalf of the State denies the allegations and submits that the petitioner's case had been considered although it may appear that it was a non-speaking order by which the petitioner's prayer was rejected.

It is quite surprising that although this Court had discussed the petitioner's case in details and thereafter, by a reasoned order, directed the concerned authority to consider the petitioner's case, the concerned respondent authority did not spend more than a single sentence to reject the petitioner's prayer. On the face of it, such non speaking order is

not tenable in law. Some reflection should be there about considering the petitioner's prayer and that too in the light of the observations made by this Court earlier.

Therefore, the impugned order dated 13.02.2020 is set aside and the matter is remanded back to the respondent no.2 to consider the matter afresh in the light of the decision passed by this Court on 12.06.2014 in WP 16315 (W) 2015. A decision shall be taken within four weeks from the date of communication of this order after giving the petitioner an opportunity of hearing. The outcome shall be communicated to the petitioner within a week thereafter.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)