

03.01.2024
Item No.37
gd/ssd

WPA/2129/2023
SAYEMA SULTANA
VS
STATE OF WEST BENGAL & ORS.

Mr. Sakti Pada Jana,
Mr. Debajit Kundu,
..for the Petitioner.

Mr. Hirak Barman,
Mr. Bedashruti Bose
..for the State.

The petitioner prays for higher scale of pay.

The petitioner joined as Assistant Teacher in Mathematics in a high school.

The petitioner claims to have completed her part-I M.Sc. Course before joining her service in the said school and after joining she completed her M.sc. Course with the permission of the school authority.

It is the further case of the petitioner that the study leave was sanctioned for appearing in her M.sc. final examination.

The prayer of the petitioner for Post Graduate scale of pay was forwarded by the school authority to the District Inspector of Schools (SE) Cooch Behar on November 20, 2012. However, no decision has been communicated by the said DI to the petitioner which prompted the petitioner to approach this Court.

Learned Advocate appearing for the State seeks time to file affidavit-in-opposition to the writ petition.

Since no decision has yet been taken by the concerned DI, in my considered view, no useful purpose will be served by keeping the writ petition pending.

Accordingly, WPA 2129 of 2023 is disposed of by directing the District Inspector of Schools (SE) Cooch Behar being the 3rd respondent to consider the prayer of the petitioner for Post Graduate scale of pay in terms of the representation dated November 20, 2012 which is annexed at page 34 of the writ petition and dispose of the same by passing a reasoned order upon giving an opportunity of hearing to the petitioner and/or her authorized representative and communicate the same to the petitioner.

The entire exercise shall be completed within a period of four weeks from the date of the receipt of a server copy of this order.

The petitioner will be at liberty to rely upon the relevant government orders, notification and/or decisions of the Hon'ble High Court at Calcutta in support of her contention.

Needless to mention that if the said respondent decides in favour of the petitioner then

consequential benefits shall be extended to the petitioner immediately thereafter.

Affidavit of service filed be kept with the record.

(HIRANMAY BHATTACHARYYA, J.)