

25.02.2025.
PB
Sl. No.284.
Ct. No.25.

WPA 7578 of 2007

Kalyan Prasad Mahato
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das.
... For the Petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Suman Dey.
.....for the State.

1. The affidavit of service filed in Court today is taken on record.
2. The petitioner being represented by Mr. Jana desires that the clarifications sought for by the District Inspector of Schools (S.E.), Purulia/respondent no.4, vide a letter dated January 16, 2002, addressed to the then Director of School Education, West Bengal/respondent no.3 (now the Commissioner of School Education) be immediately replied to.
3. The factual background of the present case may be stated for benefit of discussion.
4. The petitioner being an Assistant Teacher was granted the post-graduate scale of pay,

vide a letter of the District Inspector of Schools (S.E.), Purulia, dated September 6, 1995. Since then, he has been enjoying the said pay scale. However, upon the ROPA 1998, having come into force and the pay of the petitioner having been re-structured in terms of the provisions of ROPA 1998, the petitioner was placed in a scale of pay of Rs.6,675/- instead of which he has been earlier granted, that is, @ Rs.6,750/-. Therefore, Mr. Jana says that, pay fixation for the petitioner in terms of ROPA 1998, has caused him loosing salary and thereby affecting his rights adversely.

5. To mitigate the discrepancy, which arose after coming into force of ROPA 1998, so far as the petitioner's pay is concerned, the teacher-in-charge of the school has written to the Director of School Education, West Bengal/respondent no.3 (now the Commissioner of School Education), vide a letter dated January 22, 2001. The issue was referred to, by the District Inspector of Schools (S.E.), Purulia, to the Director of School Education, West Bengal/respondent no.3 (now the Commissioner of School Education), vide the letter dated January 16, 2002. The same is yet to be decided by the

then Director of School Education, West Bengal/respondent no.3 (now the Commissioner of School Education), and the District Inspector of Schools (S.E.), Purulia, is yet to receive any instruction, from his end.

6. Having found the factual background of the case as above, the Court is inclined to dispose of the writ petition by directing the Director of School Education, West Bengal/respondent no.3 (now the Commissioner of School Education), to immediately take up for consideration the letter of District Inspector of Schools (S.E.), Purulia, dated January 16, 2002, and decide thereupon, by dint of a reasoned order positively, within a period of four weeks from the date of communication of copy of this order and after granting reasonable opportunity of hearing to the petitioner as well as the school authority, if necessary.
7. In doing so, the Commissioner of School Education, West Bengal may also seek opinion of the District Inspector of Schools (S.E.), Purulia, as regards the issues involved in this case. Let its order passed within four weeks from the date of communication of copy of this order, be communicated to the petitioner within one week from its date.

8. It is pertinent to mention that this Court has not gone into the merits of the writ petition and the concerned District Inspector of Schools (S.E.), Purulia, shall decide upon the issues in accordance with law.
9. It is further mentioned that if the decision and the order of the said Commissioner of School Education is in favour of the writ petitioner, all the follow-up steps for grant of arrear salary to the petitioner shall immediately taken up by the competent authority and such arrear be released forthwith.
10. Since no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.
11. Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, on compliance of all necessary formalities.

(Rai Chattopadhyay, J.)