

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
Appellate Side

Judgment (2)
Moumita
Daily List Item No. 11

Present :
The Hon'ble Justice Aniruddha Roy

WPA 17856 OF 2025

Sutapa Nag

Vs.

The State of West Bengal & Ors.

For the Petitioners : **Mr. Tanmaoy Chattopadhyay**

For the State/Respondents : **Mr. Pinaki Dhole**
Mr. Sanjib Das
Mr. Soumik Dey

Heard on : **29.08.2025**

Judgment on : **29.08.2025**

Aniruddha Roy, J.:

1. Affidavit-of-service, filed in Court today, is taken on record.
2. Mr. Tanmoy Chattopadhyay, learned advocate appears for the petitioner.
3. Mr. Sanjib Das, learned advocate with Mr. Soumik Dey, learned advocate led by Mr. Pinaki Dhole, learned advocate appears for the state/respondents.
4. The petitioner is working as a casual teacher against a sanction post at one ***Suryadaya Children Home for Deaf and Dumb Boys and Girls*** at ***Uttar Dinajpur***. The petitioner claims she was engaged on ***June 13, 1994*** and since, then she has been working as such. Referring to the Pay Slip for the month of ***January 2025 annexure p-16 at page 48*** to the

writ petition, the petitioner submits that she was paid a consolidated salary for a sum of **Rs. 30,765/-**. Suddenly the consolidated payment was reduced from the month of **February 2025 at page 49** to the writ petition to **Rs. 25,850/-**, on the plea of an alleged pay fixation on the basis of a clarification sent by the state authority to the principle dated **January 29, 2025 annexure p-12 at page 41** to the writ petition, taking the date of engagement of the petitioner being **August 1, 2011**.

5. The petitioner is aggrieved and contends that she was engaged in the year **1994**, accordingly her fixation of pay should be taking into consideration her date engagement as **June 13, 1994**.
6. After hearing the parties and on perusal of materials on record, this Court is of the view that, several factual enquiries are required to be conducted on the basis of the existing records relating to the petitioner's employment and only on the finding of such fact finding enquiry the pay fixation of the petitioner can correctly be done.
7. In view of the above, the petitioner shall serve a copy of this writ petition along with a copy of today's order upon the respondent no. 2 forthwith.
8. Upon being served with today's order, the respondent no. 2 shall issue a prior hearing notice of at least seven days to the petitioner and the respondent no. 7 and then after granting them an opportunity of hearing shall decide the claim of the petitioner in the light of the case made out in the writ petition and not beyond that, by passing a reasoned order in accordance with law.

9. The entire exercise shall be carried out and completed by the respondent no. 2 positively within a period of **six weeks** from the date of communication of this order. The reasoned order then shall be communicated to the petitioner and the respondent no.7 positively within a period of **one week** from the date of the said reasoned order to be passed.
10. It is made clear that this Court has not gone into the merits of the claim of the petitioner. The petitioner and the respondent no. 7 shall be free to urge whatever points they wish to urge before the respondent no. 2 by relying upon whatever records and documents they wish to rely upon but the same shall not travel beyond the scope of the claim made in the writ petition.
11. In the event, the reasoned order goes in favour of the petitioner the necessary pay fixation of the petitioner shall be done forthwith in accordance with law by the respondent no. 2, but positively within a period of **three weeks** from the date of said reasoned order to be passed.
12. The steps previously already taken, if any, show the same are not sustainable in accordance with law in view of the above the reasoned order to be passed then all necessary corrections/modifications and rectifications in the pay fixation of the petitioner shall be carried out forthwith.
13. In the event, after the reasoned order is passed it is detected that petitioner is eligible to receive any arrear, the same shall also be paid to

the petitioner along with interest at the rate of 6% per annum from the date on which such arrear would have fallen due as payable to the petitioner till the date of tendering of payment to the petitioner.

14. However, it is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to her claim or any part of it before the respondent no. 2, strictly in accordance with law.
15. In the event, the reasoned order goes against the petitioner the same shall not be given any effect for a period of **two weeks** from the date of communication of the reasoned order to the petitioner and after expiry of the said period of **two weeks** of the state authority shall be at liberty to take steps in accordance with law.
16. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
17. With the above observations and directions, this writ petition, **WPA 17856 of 2025** stands **disposed of**, without any order as to costs.
18. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)