

WPA 19853 of 2025

**Mojahid Noor
Vs.
The State of West Bengal & Ors.**

Mr. Shuvro Prakash Lahiri
...for the petitioner
Mr. Supriya Chattopadhyay
Mr. Monoj Kr. Mondal
...for the State
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
...for the respondent no. 5

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner was a primary teacher and was working in a Government aided recognized primary school prior to joining the post of Assistant Teacher in Government aided secondary school for upper primary section.
3. Learned advocate representing the petitioner submits that petitioner was selected in 1st State Level Selection Test 2016 (AT) (Upper Primary) and was recommended for a post of Assistant Teacher in a secondary school for upper primary level of classes. Petitioner joined the post of Assistant Teacher in a secondary school and is discharging duty. Grievance of the petitioner is after joining the post of Assistant Teacher in secondary school he is

receiving salary less than the salary which he was receiving as primary teacher. Petitioner prays for pay protection taking note petitioner's previous service rendered as primary teacher.

4. Petitioner made a representation dated 28th April, 2025 to the Commissioner of School Education, West Bengal being respondent no. 2 seeking pay protection.
5. State respondents and District Primary School Council, Howrah are represented by learned advocates.
6. On hearing learned advocates representing the parties it appears that the issue needs to be considered by the Commissioner of School Education. Respondent no. 2 is directed to take decision on representation of the petitioner dated 28th April, 2025 by 12 (twelve) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representation.
7. Respondent no. 2 shall pass a reasoned order and same shall be communicated to the petitioner by fortnight thereafter.
8. Leave is granted to the petitioner to rely upon relevant Government Notifications in support of petitioner's claim of pay protection and

continuity in service before the respondent no.

2.

9. Writ petition stands disposed of.

10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)