

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE**

**30.01.2025
Sl. No.12
Crt.02
b.r.**

W.P.A. 272 of 2025

**Niranjan Saha
Vs.
The State of West Bengal & Ors.**

**Mr. Deborshi Dhar
.... for the petitioner.**

**Mr. Momenur Rahman
Mr. Pradip Sarkar
.... for the State.**

Affidavit of service filed in Court today, is taken on record.

Mr. Deborshi Dhar, learned advocate, appears for the petitioner.

Mr. Pradip Sarkar, learned State advocate appears for State-respondents.

The petitioner was appointed on **January 1, 1985** as an **Assistant Teacher** for the subject English. The petitioner subsequently enhanced his qualification and obtained Masters in **English** in **1996**. English was the relevant subject.

The petitioner submits that he applied for prior permission before the Managing Committee of the

School. The Managing Committee has sent it to the respondent no.6, who through its communication dated **September 27, 2006, annexure p-3 at page-18** communicated that no post facto permission was necessary in view of a **Memo dated June 24, 1997** referred to therein.

Learned State counsel submits that no prior permission has been obtained from the respondent no.5 at the relevant point of time before obtaining the Master Degree.

Thus, this petitioner is not entitled to claim higher pay scale.

Petitioner submits its representation dated **October 21, 20124, annexure p-7 at page-37** to the writ petition before the respondent no.5, but the same has not been disposed of.

In view of the above, the respondent no.5 upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall dispose of the said representation dated **October 21, 2024** by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the rival contentions of the parties and the parties shall be at liberty to urge whatever points they wish to urge by relying upon whatever

records, documents notifications and regulations they wish to rely upon before the respondent no.5.

The entire exercise shall be carried out and completed by the **respondent no.5** positively within a period of **six weeks** from the date of communication of this order.

In the event, the reasoned decision goes in favour of the petitioner then the **respondent no.5** and/or other appropriate authority shall give an immediate effect thereto in accordance with law but positively within a period of **four weeks** from the date of the said reasoned order to be passed.

In that event, the benefit shall be given to the petitioner for higher pay scale, the same shall reckon from the day he is entitled to for the same in accordance with law with all connected benefits

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive his claim strictly in accordance with law before the respondent no.5.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations, this writ petition **WPA 272 of 2025** stands **disposed of**, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisites formalities.

(Aniruddha Roy, J.)