

WPA 23906 OF 2012

Md. Quadir

Vs.

The State of West Bengal & Ors.

Ms. Indrani Pal

...For the Petitioner

Mr. Shamim ul Bari

...For the Respondent

Nos. 1 to 3

Ms. Indrani Pal, learned advocate appears for the petitioner.

Mr. Shamim ul Bari, learned State counsel appears for the respondent nos. 1 to 3.

None appears for the rest of the respondents.

The petitioner claimed to be an **Assistant Teacher** at one **Masaldaha Ganapatrai High School (H.S.), District – Malda** (for short 'the school'). He claimed an incremental benefit for the period he did not have the B.Ed. qualification. The facts and circumstances are stated in detail in his representation dated **September 17, 2012, Annexure-P16** at page 72 to the writ petition. The representation was duly submitted before the respondent no.3 but the same had not received attention of the State authority.

Mr. Shamim ul Bari, learned State counsel submits that, the period during which the petitioner did not have the B.Ed. qualification, he is not eligible to receive the incremental benefit as claimed by the petitioner in terms

of the relevant Government Circulars and the law prevailing on the subject.

Be that as it may, to subserve justice, the respondent no.3 shall consider the representation of the petitioner dated September 17, 2012, **Annexure-P16** at **page 72** to the writ petition upon giving at least a seven days' prior hearing notice to the petitioner and the respondent no.4 and then after giving them an opportunity of hearing shall decide the issue strictly in accordance with law by passing a reasoned order.

The entire exercise, as directed above, shall be carried out and completed by the respondent no.3 positively within a period of **six weeks** from the date of communication of this order.

It is made clear that, this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner shall be at liberty to urge whatever points he wishes to urge by relying upon whatever records and documents he wishes to rely upon before the respondent no.3 but the same **shall not travel beyond the scope of the said representation of the petitioner dated September 17, 2012, Annexure-P16 at page 72 to the writ petition.**

All points are also kept open for the respondent no.4 to be urged before the respondent no.3.

The respondent no.3 shall communicate its reasoned order/decision to the petitioner and the

respondent no.4 positively within a **further** period of **two weeks** from the date of the said reasoned order/decision to be passed.

In the event the said reasoned order/decision goes in favour of the petitioner, then only the respondent no.3 shall take all further steps to give effect thereto in accordance with law.

It is also made clear that, this order shall not create and equity or right in favour of the petitioner, in the event the petitioner is not eligible to receive his claim in terms of his representation, strictly in accordance with law.

On the above terms, this writ petition, **WPA 23906 of 2012** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)