

S/L. 11.
04.11.2019
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**Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction**

WPA 246 of 2019

Subrata Barman
-Vs.-
The State of West Bengal & Others

Mr. Debjit Kundu,
...for the petitioner.

Mr. Subir Kumar Saha
Mr. Momenur Rahaman
... for the Respondent No.3

Mr. Debabrata Dhar
Mr. Bikramaditya Ghosh

...for the State

Adjournment is sought on behalf of the writ petitioner which this Court declines since the petitioner had sought adjournment on 20.8.2019 and was not even represented on 2nd September, 2019.

The writ petitioner is a headmaster of Punam Chand Mittal High School. The writ petitioner claims to have obtained a certificate in M. Sc (Mathematics) from North Bengal University through distance mode without taking any prior permission from the District Inspector of Schools (SE).

The DI of schools has declined to grant any higher scale of pay to the petitioner on the sole ground that without taking any prior permission the petitioner has obtained the impugned degree.

The writ petitioner relies upon a letter dated 12th September, 2018 issued by the Secretary of the West Bengal Board of Secondary Education sanctioning leave from 14.03.2012 till 24.3.2012 on full pay allegedly in terms of Rule 5(II) of the Leave Rules.

This sanctioned leave appears to be ex-post facto and that too after the petitioner acquired the qualification. Admittedly no prior permission was taken from the D. I. of Schools for acquiring higher qualification. Even for the purpose of acquiring a degree by way of distance mode the petitioner is required not only study but also to sit in the examination at the centre prescribed by the North Bengal University.

Prior permission of the D. I. was therefore a mandatory requirement before acquiring a degree for seeking incremental benefits from the State.

This Court therefore does not find any fault with the impugned order dated 19th December, 2018.

The writ petition shall stand dismissed.

No order as to costs.

Let photostat certified copies of this order, if applied for, be made available to the parties upon compliance of due formalities.

(Rajasekhar Mantha, J.)