

19.10.2020
Court No. 19
Item No.13
CP

WPA 1432 of 2020

Ambikesh Manna
vs.
The State of West Bengal & ors.
(via video conference)

Mr. Kaustav Kumar Das,
Sk. Sahjahan Ali.

.....for the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Sabhasachi Mondal.

....for the State.

This writ petition has been filed challenging the order dated December 12, 2019, issued by the District Inspector of Schools (Secondary Education), Purba Medinipur.

By the order impugned, the authorities rejected the prayer for two additional increments in respect of the petitioner who had allegedly improved his qualification by acquiring Ph. D degree. The reason for denying the same was that permission was not taken from the competent authority; that the petitioner was recommended to a post prescribed for M.A. B. Ed. The appointment of the petitioner was made on October 26, 2007; that the two additional increments for Ph. D. degree could not be granted to the petitioner as permission was not taken from the competent authority for enhancement of his

qualification. The petitioner refers to page 23 of the said writ petition and submits that the competent authority i.e. the managing committee of the school had given the permission to the petitioner for acquiring the Ph. D. degree.

It is submitted by the learned advocate for the petitioner that under ROPA 1998 the petitioner was entitled to the two increments on the basis of the permission of the managing committee granted to the petitioner to enhance his qualification.

Mr. Chattopadhyay, learned advocate appearing for the State respondents, submits that under ROPA 2009, there was no provision for grant of two additional increments upon acquiring Ph. D. degree. He relies on a judgment of this Court. He further submits that ROPA 2009 had come into effect from January 1, 2006 and the petitioner having attained his Ph. D. degree after coming into effect of ROPA 2009, the petitioner was not entitled to the two additional increments upon attaining the Ph. D. degree, as per the decision of the Hon'ble Division Bench.

Mr. Das, learned advocate for the petitioner, submits that the only reason recorded by the District Inspector of Schools is that the petitioner had not taken permission, although, it is on record that the managing committee of the school had granted permission to the petitioner. Mr. Das submits that

Mr. Chattopadhyay could not improve the case of the respondents by supplying reasons which are not available in the order impugned.

Having considered the submissions of the respective parties and having gone through the decision of the Division Bench of this Court with regard to non-grant of additional increments to Ph.D. degree holders who have enhanced their qualification after coming into effect of ROPA 2009, this Court finds that the order impugned cannot be sustained, inasmuch as the reasons shown by the District Inspector of Schools are not acceptable to the Court.

Under such circumstances, the order impugned dated December 12, 2019 of the District Inspector of Schools (Secondary Education), Purba Medinipur is set aside and quashed. The matter is remanded back to the District Inspector of Schools (Secondary Education), Purba Medinipur to reconsider the same in accordance with law upon hearing the petitioner, the school authorities and all other necessary parties. While considering the issue, all judgments of this Court shall be considered and a reasoned order should be passed. Such reasoned order should be communicated to the respective parties. The entire exercise should be completed within a period of eight weeks from date of communication of this order.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

All parties are to act on a server copy of this order on usual undertakings.

(Shampa Sarkar, J.)