

Ct. 05
Item No.08
24.09.2021
(suvendu)

WPA 2581 OF 2021

(VIA VIDEO CONFERENCE)

Sk. Abdur Rakib
Vs.
The State of West Bengal & Ors.

Mr. Bidhan Biswas
.....for the petitioner

Ms. Chaitali Bhattacharya
Mr. Mrinal Kanti Ghosh
.....for the State

The writ petitioner is an Assistant Teacher in a Government aided secondary school and he was appointed on 3rd October, 2007 having qualification of B.Sc. (Honours) in Mathematics. It has been submitted by Mr. Biswas, learned advocate appearing on behalf of the writ petitioner, that at the time of joining the post of Assistant Teacher, he was undergoing Post Graduate course in Jadavpur University and ultimately he acquired M.Sc. qualification in Mathematics from Jadavpur University in 2008. In addition thereto, it has also been submitted on behalf of the writ petitioner that the managing committee of the school where the writ petitioner is serving adopted resolution thereby permitting the writ petitioner to participate in the M.Sc. Part –II examination. After acquiring

higher qualification, the writ petitioner made representation dated 1st December, 2020 before the District Inspector of Schools (S.E.), North 24 – Parganas, page 38 of the writ petition. The grievance of the writ petitioner is that in spite of entitlement of the writ petitioner to enjoy Post Graduate scale of pay, till date no decision has been taken by the District Inspector of Schools (S.E.), North 24-Parganas, respondent no.3, on the said representation dated 1st December, 2020.

Ms. Chaitali Bhattacharya, learned Senior Government Advocate appears on behalf of the State respondents and submits that since the representation is pending before the respondent no. 3 for consideration, let it be considered in accordance with law.

Considering the rival submissions made on behalf of the respective parties to this writ petition, this Court directs the District Inspector of Schools (S.E.), North 24 –Parganas, respondent no. 3, to take decision on the representation of the writ petitioner dated 1st December, 2020 by passing a reasoned order after affording opportunity of hearing to the writ petitioner and the concerned authority of the school where the writ petitioner is presently serving, within a period of twelve weeks from this day. The decision to be taken by the

respondent no. 3 shall be communicated to the writ petitioner within a period of two weeks thereafter.

This Court also directs the respondent no. 3, while taking such decision on the prayer of the writ petitioner for sanction of Post Graduate scale of pay, to follow the observations made by the Division Bench of this Court in its judgment dated 11th February, 2021 passed in MAT 825 of 2020 (Md. Adeel Uz Zaman Vs. The State of West Bengal & Ors.) wherein it was decided that if a teacher was undergoing higher studies prior to joining the post of Assistant Teacher, in that event the Government Circular dated 27th November, 2007 shall not stand in the way in granting Post Graduate scale of pay to the teacher concerned.

Accordingly, the writ petition is disposed of without any order as to costs.

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

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

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

(Saugata Bhattacharyya, J.)