

Ct. 16.04
No. 2021
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W.P.A. 2568 of 2009
Tapas Kumar Ghosh
Vs.
The State of West Bengal & Ors.
With
WPA 3660 of 2009
Apurba Kumar Mondal
Vs.
The State of West Bengal & Ors.
With
WPA 11764 of 2015
Kiriti Bhusan Orang
Vs.
The State of West Bengal & Ors.
With
WPA 21112 of 2017
Joydeb Mandal
Vs.
The State of West Bengal & Ors.
With
WPA 21420 of 2017
Satabdi Saha
Vs.
The State of West Bengal & Ors.
With
WPA 22529 of 2017
Mala Karmakar
Vs.
The State of West Bengal & Ors.
With
WPA 23904 of 2017
Krishna Mal
Vs.
The State of West Bengal & Ors.
With
WPA 23907 of 2017
Moumita Ghosh
Vs.
The State of West Bengal & Ors.
With
WPA 31435 of 2017
Tumpa Mandal
Vs.
The State of West Bengal & Ors.
With
W.P.A. 7710 of 2018
Arbina Khatun
Vs.
The State of West Bengal & Ors.
With
WPA 10661 of 2018
Gobinda Manna
Vs.
The State of West Bengal & Ors.
With
WPA 12304 of 2018
Subrata Panda
Vs.
The State of West Bengal & Ors.
With
WPA 12692 of 2018
Abhijit Dey

Vs.
 The State of West Bengal & Ors.
 With
 WPA 12694 of 2018
 Joydeb Ghosh
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 13098 of 2018
 Shrabani Basu
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 13102 of 2018
 Debasis Sarkar
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 13980 of 2018
 Chandan Mandal
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 13984 of 2018
 Pranab Mukherjee
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 14005 of 2018
 Rajib Sarkar
 Vs.
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 With
 WPA 14008 of 2018
 Samir Pal
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 The State of West Bengal & Ors.
 With
 WPA 14013 of 2018
 Ranjit Kumar Chakraborty
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 14017 of 2018
 Suvajyoti De
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 14020 of 2018
 Mohanlal Das
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 31064 of 2017
 Ramesh Kisku
 Vs.
 The State of West Bengal & Ors.
 With
 WPA 4149 of 2018
 Biswajit Nath
 Vs.
 The State of West Bengal & Ors.

With
WPA 5533 of 2018
 Ujjal Kumar Bose
 Vs.
 The State of West Bengal & Ors.
 With
WPA 7519 of 2018
 Plabani Roy Asoar
 Vs.
 The State of West Bengal & Ors.
 With
WPA 7714 of 2018
 Tirthankar Bhargar
 Vs.
 The State of West Bengal & Ors.
 With
WPA 7850 of 2017
 Soumen Kr. Das
 Vs.
 The State of West Bengal & Ors.
 With
WPA 8044 of 2018
 Rahul Deb Barman
 Vs.
 The State of West Bengal & Ors.
 With
WPA 8125 of 2018
 Moumita Nath
 Vs.
 The State of West Bengal & Ors.
 With
WPA 14245 of 2018
 Susanta Mallick
 Vs.
 The State of West Bengal & Ors.
 With
WPA 3908 of 2019
 Mohar Banerjee
 Vs.
 The State of West Bengal & Ors.
 With
WPA 4082 of 2019
 Sujit Chandra Sarkar
 Vs.
 The State of West Bengal & Ors.
 With
WPA 9436 of 2019
 Anusree Gupta
 Vs.
 The State of West Bengal & Ors.
 With
WPA 13100 of 2019
 Sagarika Bhattacharjee
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 The State of West Bengal & Ors.
 With
WPA 15968 of 2019
 Krishna Ghosh
 Vs.
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 With
WPA 18841 of 2019

Goutam Barua
Vs.
The State of West Bengal & Ors.
With
WPA 21111 of 2019
Subhadra Sarkar
Vs.
The State of West Bengal & Ors.
With
WPA 1097 of 2020
Tapas Kumar Das
Vs.
The State of West Bengal & Ors.
With
WPA 4080 of 2020
Dipanwita Bhowmick Das
Vs.
The State of West Bengal & Ors.
With
WPA 4920 of 2020
Debojyoti Chowdhury
Vs.
The State of West Bengal & Ors.
With
WPA 5767 of 2020
With
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Gopinath Majee
Vs.
The State of West Bengal & Ors.
With
WPA 8398 of 2020
Punam Choubey
Vs.
The State of West Bengal & Ors.
With
WPA 9347 of 2020
Partha Pratim De
Vs.
The State of West Bengal & Ors.
With
WPA 10685 of 2020
Keya Mukhopadhyay
Vs.
The State of West Bengal & Ors.
With
WPA 11390 of 2020
Sudipta Sarkar
Vs.
The State of West Bengal & Ors.
With
WPA 4280 of 2021
Sourav Basu
Vs.
The State of West Bengal & Ors.
With
WPA 4285 of 2021
Krishanu Kumar Roy
Vs.
The State of West Bengal & Ors.
With
WPA 4289 of 2021

Tanmoy Ghanti
Vs.
The State of West Bengal & Ors.
With
WPA 4370 of 2021
Purna Chandra Shit
Vs.
The State of West Bengal & Ors.
With
WPA 7159 of 2021
Shipla Ghosh
Vs.
The State of West Bengal & Ors.
With
WPA 7606 of 2021
Tirtha Tanay Naskar
Vs.
The State of West Bengal & Ors.
With
WPA 7607 of 2021
Arun Haldar
Vs.
The State of West Bengal & Ors.
With
WPA 9387 of 2021
Premananda Ghatak
Vs.
The State of West Bengal & Ors.
With
WPA 9610 of 2021
Avijit Bhakat
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sakti Pada Jana
Mr. Biswarup Biswas
Mr. Saibal Acharya
Mr. Washef Ali Mondal
Mr. Jakir Hossain
Ms. Tanuja Basak
Ms. Anusuya Banerjee
Mr. Syed Mansur Ali
Mr. Tauhid Khan
Ms. Pampa Dey (Dhabal)
Ms. Sangita Banerjee
Mr. Ashis Kumar Chowdhury
Ms. Deborupa Mukherjee
Ms. Ujani Pal (Samanta)
Mr. Tapan Kumar Rakshit
Mr. Surajit Roy
Mr. Syamal Kumar Das
Mr. Ajay B. Roy
Ms. Smita Paul

...For the petitioners

Mr. Supriyo Chattopadhyay, Sr. Govt. Adv.
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Mr. Sabyasachi Mondal
Mr. Susanta Pal
Mr. Biswabrata Basu Mallick
Mr. Pinaki Bhattacharjee

Mr. Pinaki Dhole

...For the State

These writ petitions are taken up for analogous hearing, as they relate to the same issue.

All the writ petitions relate to drawing of higher scale of pay upon securing post graduate qualification as governed by the West Bengal Schools (Control of Expenditure) Act, 2005 read with the Government Order bearing No. 593 dated November 27, 2007.

By an order and judgment delivered on March 25, 2021 in W.P.A. 14468 of 2013 (*Animesh Choudhury Vs. State of West Bengal & Ors.*), I had held that an assistant teacher who had previously enrolled in the Post Graduate course prior to his employment as an assistant teacher need not take prior permission for appearing in the examinations of the said course from the competent authority as mandated by the Notification dated November 27, 2007.

In the light of the similar factual matrix in the present writ petitions to the case of *Animesh Choudhury Vs. State of West Bengal & Ors. (Supra)*, the principles enunciated therein are squarely applicable to all the present writ petitions.

In view of the above, these writ petitions are also disposed of on the same basis. In some of the writ petitions where there are orders rejecting the application for higher scale of pay, the impugned orders are set aside.

The pertinent authorities are accordingly directed

to allow higher scale of pay to the petitioners from the date following the last date of the final examination of the Post Graduate course. The District Inspector of Schools (SE) concerned shall do the needful in this regard within a period of 10 (ten) weeks from the date of communication of this judgment.

In the light of the above conclusion and directions, these writ petitions are allowed along with the connected applications. There shall be no order as to costs.

In some of the writ petitions no affidavits have been exchanged. Accordingly, in those writ petitions it shall be deemed that the allegations made in the said writ petitions are deemed to have not been admitted by the respondents.

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

(Shekhar B. Saraf, J.)