

Ct. 22.04
No. 26 2021
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akb

W.P.A. 3838 of 2015
(Via Video Conference)
Sunirmal Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Syed Mansur Ali
Ms. Tanuja Basak
Sk. Imtiaj Uddin **...For the Petitioner**

Ms. Sipra Majumder
Mr. Suprabhat Bhattacharya **...For the State Respondents**

This matter is taken up upon consent of both the parties.

This matter relates 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 WPA 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/her 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 light of the similar factual matrix in the present writ petition to the case of *Animesh Choudhury vs. State of West Bengal & Ors. (supra)*, the principles enunciated therein are squarely applicable to the present writ petition.

In view of the above, this writ petition is also disposed of on the same basis. In this writ petition, if there is an order rejecting the application for higher scale of pay, the impugned order is set aside.

The pertinent authorities are accordingly directed to allow higher scale of pay to the petitioner 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 light of the above conclusion and directions, the writ petition is allowed.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)