

12-01-2021

Ct. 12

MAT 415 of 2020
With
CAN 1 of 2020

Sanatan Hansda
Versus
State of West Bengal & Ors.

(Through Video Conference)

Mr. Krishna Deo Das, Adv.
...for the appellant

Mr. Joytosh Majumder, Id. GP
Mr. Raja Saha, Adv.
Mr. Subhrangsu Panda, Adv.
Mr. Amit Kr. Ghosh, Adv.
...for the State

The appeal and the application were heard extensively on 7th January, 2021.

The appeal is directed against an order dated 23rd August, 2018 passed by the learned Single Judge, whereby the writ petitioner's claim for grant of Post-Graduate scale of pay for acquiring Master Decree in Political Science was rejected.

The petitioner was appointed as an Assistant Teacher on 19th December, 2000 in a High Madrasah in Political Science with honours scale of pay upon recognition of the writ petitioner's qualification of possessing Honours Degree in Political Science. After his appointment as an Assistant Teacher, the writ petitioner decided to enhance his qualification for enjoying higher scale of pay and ultimately completed his Post-Graduate studies in February, 2011.

Five years after acquiring such higher qualification, on 19th December, 2016, the writ petitioner approached the concerned respondent, being the District Inspector of Schools (S.E.), Paschim

Medinipur, for sanction of Post-Graduate scale of pay. In response to such prayer of the writ petitioner, which was made through the concerned Madrasah authorities, the Director of Madrasah Education, West Bengal, vide Memo No. 2093-ME dated 6th November, 2017 rejected the claim of the writ petitioner on the ground that in terms of GO No. 593-SE(B) dated 27th November, 2007 since the writ petitioner obtained Post-Graduate degree without prior permission from the concerned District Inspector of Schools (SE), therefore, the writ petitioner was not found eligible to get benefit of Post-Graduate scale of pay. Such decision of the Director of Madrasah Education, West Bengal, dated 6th November, 2017 has been put under challenge in the connected writ petition.

This is a fact that the writ petitioner was appointed as an Assistant Teacher on 19th December, 2000 and in consideration of his educational qualification of Honours in Political Science, he was sanctioned honours graduate scale of pay, but subsequently, he obtained Master degree in Political Science in 2011 and by that time, GO No. 593-SE(B) dated 27th November, 2007 came into existence. The entire Government order dated 27th November, 2007 has been quoted in the order of the learned Single Judge, which is under appeal.

On perusal of the said Government Order dated 27th November, 2007, it appears that there is a clear bar in receiving higher scale of pay by a teacher, if such teacher decides to obtain higher qualification upon undergoing higher studies without enrolling himself with the permission of the concerned District Inspector of Schools.

Here, in the present case, though the petitioner obtained Post-Graduate qualification in the month of February, 2011, but he has failed to obtain necessary permission from the concerned District

Inspector of Schools. In terms of Memo dated 27th November, 2007, there is no provision for obtainment of any ex-post-facto permission from the District Inspector of Schools, concerned, for obtaining higher qualification.

Therefore, we do not find any infirmity in the order of the Director of Madrasah Education, West Bengal, as contained in Memo Dated 6th November, 2017 as well as in the impugned order of the learned Single Judge dated 23rd August, 2018.

Accordingly, the appeal and the application stand dismissed by confirming the order under appeal passed by the learned Single Judge.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)