

04.10.2021
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Sl. No. 04
Ct. No. 05

WPA 13810 of 2021
[Via Video Conference]

Jadav Kumar Charit
-Vs.-
The State of West Bengal & Ors.

Mr. Biswapriya Samanta
...for the petitioner.
Mr. Tapan Kr. Mukherjee
Ms. Saheli Mukherjee
..... for the State
Mr. Tapash Kr. Bhattacharya
Mr. Aviroop Bhattacharya
..... for respondent no. 6

Writ petitioner is an approved assistant teacher in a Government aided recognized High School with effect from 10th February, 1988 and at the time of appointment of the writ petitioner, he was sanctioned Hons. graduate scale of pay for possessing educational qualification of Hons. in English. Subsequently, the writ petitioner enhanced his qualification by obtaining master degree in English from Jadavpur University and it is submitted by Mr. Samanta, learned advocate, representing the writ petitioner that necessary permission was obtained from the school authority for undergoing such higher course of study. The attention of this Court has also been drawn to memo dated 10th January, 2000 whereby study leave was approved in favour of the writ petitioner for the period from 24th November, 1992 to 12th January, 1993 in order to facilitate the petitioner to complete the post graduate course in English from Jadavpur University. The

grievance of the writ petitioner is that a memo was issued by the District Inspector of Schools(SE), South 24 Parganas dated 31st, May, 2013, page 23 of the writ petition, whereby all the heads of the institutions in the District of South 24 Parganas were asked to take steps if it is found that any teacher was enjoying higher scale of pay without taking approval of the said District inspector of Schools(SE), South 24 Parganas. Due to issuance of such memo dated 31st May, 2013, the post graduate scale of pay which the petitioner was enjoying after obtaining post graduate qualification was stopped from the month of June, 2013. Writ petitioner made a representation dated 11th March, 2015 to the District Inspector of Schools(SE), South 24 Parganas, respondent No. 3 for resumption of payment of salary in post graduate scale of pay to the writ petitioner and in addition thereto, it also appears from the said representation dated 11th March, 2015 that the school authorities of Nangi High School (H.S.), South 24 Parganas forwarded papers and documents to the respondent No.3 for sanction and approval of post graduate scale of pay. Writ petitioner is aggrieved due to withdrawal of post graduate scale of pay from June, 2013 as well as failure on the part of the respondent authorities in taking decision on the approach being made by the writ petitioner for sanction of higher scale of pay.

Mr. Tapas Bhattacharya, learned advocate, appears on behalf of the respondent No. 6 and submits that after making representation on 11th March, 2015 by the writ petitioner, several letters were issued by the school authority thereby forwarding necessary documents to the office of the respondent No. 3 for taking steps in the matter of sanction of post graduate scale of pay in favour of the writ petitioner.

Mr. Tapan Kr. Mukherjee, learned additional Government Pleader, appears on behalf of the State respondents and submits that the steps were taken for withdrawal of post graduate scale of pay pursuant to the memo dated 31st May, 2013 issued by the respondent No. 3 and it has further been contended that the teacher concerned even on acquiring post graduate qualification in relevant subject is not entitled to receive post graduate scale of pay in absence of necessary approval from the concerned respondent authorities.

This Court has considered the submissions made on behalf of the respective parties and directs the respondent no. 3, the District Inspector of Schools(SE), South 24 Parganas, to take a decision on the letter of the writ petitioner dated 11th March, 2015, within a period of 12 weeks from the date of communication of this order after granting opportunity of hearing to the writ petitioner and the school authorities of Nangi High

School (H.S.), South 24 Parganas. The respondent No. 3 is also directed to communicate the decision to be taken in terms of this order within a period of 2 weeks thereafter to the writ petitioner.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above directions, the writ petition stands disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Saugata Bhattacharyya, J.)