

25 08.12.2021
rkd Ct.15

W.P.A. 13476 of 2011
Through Video Conference)

Brajagopal Pal
-vs-
State of West Bengal & Ors.

Ms. Debjani Sengupta

....for the petitioner.

Mr. Manabendra Thakur,
Mr. Partha Sarathi Das

....for the respondent nos.4 & 5.

Mr. Tapan Kumar Mukherjee,
Mr. Somnath Naskar

....for the State.

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

Writ petitioner is an assistant teacher who
was appointed on the recommendation of the West
Bengal Regional School Service Commission,
Northern Region dated 15th February, 1999 and
pursuant thereto the petitioner was appointed in
the post of assistant teacher in Social Science
Group in Khargram High School, District-
Murshidabad (for short "said school").

Ms. Debjani Sengupta, learned advocate
appears on behalf of the writ petitioner and
submits that the writ petitioner was taking History
classes in the said school and in support of same
class routine has been annexed, pages 16 to 21. It
has been submitted on behalf of the writ petitioner

that since he was possessing of postgraduate qualification in History his service was utilised continuously by the said school authority as an assistant teacher in Social Science Group (History). In view of such situation writ petitioner made a prayer before the said school authority for sanction of postgraduate scale of pay upon acknowledging the passgraduate qualification of the writ petitioner in History and to that extent resolution was adopted by the Managing Committee of the said school far back on 27th December, 2003, Annexure P3. The grievance of the writ petitioner is that in spite of such recommendation made by the said school authority for sanctioning postgraduate scale of pay to the writ petitioner till date no decision has been taken by the concerned authority.

The State respondents are represented by Mr. Mukherjee, learned Additional Government Pleader and the school authority is represented by Mr. Thakur, learned advocate.

It has been submitted on behalf of the respondent authorities that the petitioner was appointed in the post of assistant teacher in Geography in Social Science Group and was sanctioned passgraduate scale of pay from the date of his appointment since recommendation was

made by the West Bengal Regional School Service Commission, Northern Region to appoint the writ petitioner as assistant teacher in the post earmarked for passgraduate candidate and as such, opposed the prayer of the writ petitioner for sanction of postgraduate scale of pay.

This Court has considered the submissions of the respective parties to this writ petition and also examined the materials available on record and grants leave to the writ petition to make a representation before the District Inspector of Schools (S.E.), Murshidabad, respondent no.3 within a period of fortnight from this date for sanction of postgraduate scale of pay. If such representation is made by the writ petitioner within the aforesaid time the respondent no.3 shall take a decision on the entitlement of the writ petitioner to enjoy postgraduate scale of pay in view of his higher educational qualification within a period of twelve weeks thereafter and decision to be taken by the respondent no.3 shall be communicated to the writ petitioner within a further period of two weeks. Before taking such decision by the respondent no.3 an opportunity of hearing to be granted to the writ petitioner as well as the said school authority.

With the above direction, the writ petition is

disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)