

08.04.2021
jb.

W.P.A. 22089 of 2017
(Sukesh Majumder vs. State & Ors.)

Mr. Sudip Ghosh Chowdhury
Mr. Argha Das
Mr. Abhishek Bose For the Petitioner

Mr. Supriyo Chattopadhyaya
Ms. Iti Dutta For the State

The grievance of the petitioner is for a higher scale of pay. The petitioner is an approved assistant teacher of Jhapandanga Pareshnath Vidyamandir with effect from 24th September, 2013 having qualification B.A. Hons in English, on being recommended for mutual transfer by the Central School Service Commission. Prior to this, the petitioner's name was recommended for appointment as an assistant teacher of English (Hons) at Bispara High School, Hooghly by the Regional School Service Commission (Eastern Region) with effect from 7th March, 2006. The petitioner completed his M.A. Part II Examination in the year 2007 as an inservice teacher without informing anything to his appointing authority.

The petitioner applied to the District Inspector of Schools (S.E.) on 26th July, 2016 for granting higher scale of pay. It also appears that the petitioner enhanced his post graduate qualification through a correspondence course in the year 2007 violating the

provision of extant Government Order No. 548-SE(S) dated 24th June, 1997 wherein it is specified that all the teachers teaching in different State aided schools will have to take prior permission from the District Inspector of Schools (SE) through the Managing Committee, Ad Hoc Committee, Administrator as the case may be if they intend to enroll themselves and to appear for an examination conducted through correspondence/distant mode of education from U.G.C. affiliated universities. In the circumstances, the Managing Committee of the concerned school shall send such cases to District Inspector of Schools (S.E.) for approval along with their comments. By the said provisions a teacher had to take prior permission to enroll himself for appearing the examination but curiously enough in the instant matter no resolution was taken by the Managing Committee of the concerned school for the enrolment of the petitioner to appear for post graduate examination and the petitioner without taking prior permission from the District Inspector of Schools (SE) obtained a post graduate qualification and thereafter prays for higher scale of pay.

I have perused the impugned order. I do not find that there is any violation of principles of natural justice or any contravention of law in the impugned order. The impugned order is a reasoned one. The District Inspector of Schools has carefully considered the extant

Circulars and has come to a finding that the petitioner is not entitled to higher scale of pay. In particular, the District Inspector of Schools had considered the Government Order dated 24th June, 1997 and 27th November, 2007. It has also been held that the petitioner had not taken prior permission as required by law.

In the circumstances I am of the view that there is no illegality or perversity in the impugned order. I also find that, there are no grounds whatsoever justifying any interference with the impugned order.

W.P.A. 22089 of 2017 is dismissed.

There shall be no order as to costs.

Photostat certified copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Ravi Krishan Kapur, J.)