

S/L 6
09.4.2021
Court No.26
SD

WPA 8179 of 2020
(Via Video Conference)

Shibu Joardder
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Siddhartha Sankar Mandal

...for the Petitioner.

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal

...for the State.

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 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 the light of a similar factual matrix, I find that the ruling rendered in **Animesh Choudhury (supra)** is squarely applicable in this case as well.

In view of the above, this writ petition is also disposed of on the same basis. The impugned order in this writ petition is quashed and set aside.

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.)