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***CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION
(Via Video Conference)***

W.P.A. 205 OF 2020

Sri Snehasish Sarkar

-vs.-

The State of West Bengal & Ors.

Mr. Amalesh Ray
Mr. Deborshi Dhar.

....For the Petitioner.

Mr. Subir Kumar Saha
Mr. Pritam Das.

....For the State

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated 25.09.2019 wherein the District Inspector of Schools (S.E.), Siliguri has disallowed the benefit of higher scale of pay to the petitioner for having obtained higher qualification.

2. The case of the petitioner is that he has a Master's degree in English obtained in the year 2002. In the year 2002 he joined the service as Assistant Teacher in the 'Pass' category. According to him, as per Rule 12 Clause 3 of the ROPA, 1998, he is entitled to the said benefit. Clause 12(3) of the relevant regulations is as follows :

“All teachers, including physical education teachers and librarians of secondary schools who have improved/will improve their qualifications who were appointed with higher qualification in the subjects or group relevant to their teaching/appointment shall get higher scale of pay appropriate to their qualifications, with effect from the 1st January, 1996 or the date of improving qualifications whichever is later.”

3. The petitioner also relies upon a judgment of this Court rendered in **W.P. 1655 (W) of 2004** passed on August 1, 2005 and another judgment in **W.P. 14393 (W) of 2007** passed on May 5, 2008 (**Sri Chandranath Karmakar -vs.- The State of West Bengal & Ors.**) wherein this issue has been discussed in detail. Following the ratio in the above judgments, I set aside the impugned order. It is made clear that the writ petitioner shall be entitled to higher scale of pay in view of Clause 12(3) of the said Regulations relating to pay scale. The appropriate respondents shall ensure that the writ petitioner gets the benefit of this order including arrears, within a period of six weeks from the date of communication of this order.

4. With the above direction the writ petition is disposed of. There will be no order as to costs.

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

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.)