

Court No. 2

22.09.2021

(Sl. 37)

(S. Banerjee/BP)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA 1044 of 2021

Golam Khaja Farid
Vs.
The State of West Bengal & Ors.

(Via Video Conference)

Mr. Saktipada Jana
Mr. Debajit Kundu

... for the petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahman

... for the State

Affidavit of service filed in court be kept on record.

The petitioner is aggrieved by the order dated 23rd March, 2020 passed by the District Inspector of Schools (SE), Cooch Behar rejecting his prayer for higher scale of pay.

The ground on which the prayer of the petitioner has been rejected is under Section 14(3) of the West Bengal School (Control and Expenditure) Act, 2005.

Reliance was also placed on G.O. 593-SE(B) dated 27th November, 2007.

Learned counsel for the petitioner submits he had enrolled the post-graduate post on July, 2008 and was appointed as an assistant teacher on 30th September, 2008.

The petitioner completed Part-I final examination in January, 2009 and has completed his M.Sc on 28th July, 2009. The post for which he applied for required post graduate qualification. This court notices that the requirement of prior permission of the District Inspector of Schools, in terms of the notification dated 27th November, 2007 or under Section 14(3) of the West Bengal School (Control and Expenditure) Act, 2005 has been held 'not applicable' to those teachers who enrolled in the post graduate post prior to entering into service as assistant teachers.

Reference has been made to the judgment dated 11.02.2021 of a Division Bench of Calcutta High Court in the case of Md. Adeel Uz Zaman vs. State of West Bengal and Others in MAT 825 of 2020. The said decision has been followed by Co-ordinate Benches in the case of Bijay Kumar Roy vs. State of West Bengal & Ors. in WP 3285(W) of 2018 and Chaitali Banerjee vs. State of West Bengal reported in 2019(2) CHN (Cal) 568.

In view of the above, the impugned order dated 23rd March, 2020 stands set aside and the petitioner shall be allowed for post graduate scale of pay from the date of acquiring the degree on 4th October, 2010.

The arrears shall be paid to the petitioner within a period of three months from date.

The writ petition is thus disposed of.

(Rajasekhar Mantha, J.)