

25.07.2022
rc/ct.no.13
Item No.37

WPA No. 1038 of 2022
Ashoke Kumar Pramanick
Versus
The State of West Bengal & Ors.

Mr. Gazi Faruque Hossain
Mr. Indronil Chandra ...for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Minal Kanti Ghosh ...for the State

The writ petitioner seeks further higher pay scale for having acquired a post graduate degree in general stream based on a circular of the School Education Department dated March 12, 1996.

By the said memorandum the Joint Secretary, Government of West Bengal, School Education Department, communicated that higher pay scale of may also be extended notionally to, inter alia, librarians on improvement of academic qualification in subjects other than libraries. The reference to 'librarians' therein are to those in service prior to March 07, 1990.

Admittedly the petitioner joined service in the year 1984 as a Librarian in a graduate post with graduate pay scale. He already had a post graduate degree called Masters in Library Sciences (M.Lib) at the time of entry into service.

The petitioner approached this Court by way of W.P.No. 27696(W) of 2016. By an order dated

December 04, 2019 this Court directed the District Inspector of Schools to consider the prayer of the petitioner for post graduate pay scale in terms of ROPA 1990.

Having regard to the petitioner's post graduate degree the petitioner was allowed the higher pay scale and the same was communicated to the school by the District Inspector Schools vide letter dated December 29, 2020.

Counsel for the petitioner would argue before this Court that notwithstanding the higher pay scale based on the post graduate degree in masters in library science he independently entitled to an additional post graduate pay scale on the basis of the memorandum dated March 12, 1996 (supra), for having acquired a Masters in Bengali (M.A., Bengali).

In support of the claim, reliance is placed on the decision of a coordinate Bench of this Court in the case of Sukanta Saha Vs. State of West Bengal & Ors. being W.P.No. 5833(W) of 2018 judgment dated August 09, 2019.

This Court is of the view that the petitioner's claim apart from being tainted greed is also otherwise ridiculous if not dishonest.

The object and purpose of the memorandum dated March 12, 1996, the notification dated May 06, 2004 [subject-matter of W.P.No. 5833(W) of 2018

(supra)] was to confer the benefit of post graduate scale to librarians who are only receiving graduate pay scale. Such a chance was afforded even if they acquired a P.G. degree in streams other than Library Sciences.

The basic requirement of entry into post of Librarian is a graduate degree in Library Science (Bachelor of Library Science). It is quite possible that a post graduate degree may be beneficially pursued by a Librarian in other streams and not necessarily Library Science. Such post graduate degree in any other would also contribute and benefit in discharging of duties of a post of Librarian.

However, to allow a Librarian already getting a post graduate pay scale, to claim an additional graduate scale on his acquiring a post graduate degree in any other stream would not only defeat the object and purpose of the aforesaid two memoranda and notification, but would also amount to a fraud on the State.

The petitioner is admittedly already enjoying a post graduate scale, allowed by the State, on December 29, 2020 albeit retrospectively after superannuation. To seek or maintain any further claim for another jump in post graduate pay scale, apart from being utterly dishonest, is thoroughly misconceived.

For the reasons stated herein above, the writ petition shall stand dismissed with costs assessed at

Rs.5100/- that shall be recovered by the State from out of the retiral dues of the petitioner.

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

(Rajasekhar Mantha,J)