

203 05.09.2022
rkd Ct.15

W.P.A. 8670 of 2019

Jahar Kumar Prodhan

-vs-

The State of West Bengal & Ors.

Mr. Sankha Ghosh,
Mr. Biswarup Nandy,
Mr. R. K. Shah

....for the petitioner.

Mr. Biswabrata Basau Mallick,
Mr. Sanjib Das

....for the State.

Affidavit-of-service filed by the petitioner is taken on record.

Petitioner is an assistant teacher who was appointed with effect from 20th August, 1992 with passgraduate qualification. The grievance of the petitioner is he acquired postgraduate qualification through correspondence course from Burdwan University in 2001 and subsequently, approached the concerned respondent authorities for sanction of postgraduate scale of pay upon giving credence to his higher qualification. But such prayer of the petitioner was refused by the District Inspector of Schools (SE), Purba Bardhaman being the respondent no.4 by issuing the Memo dated 27th November, 2018. Such decision of the respondent no.4 as contained in the memo dated 27th November, 2018 is the subject matter of challenge

in the present writ petition.

Petitioner has questioned the decision of the respondent no.4 on the score that considering the fact he acquired higher qualification in the year 2001 with the permission of the respondent no.4 which was accorded vide memo dated March, 2000 in terms of the relevant provisions of ROPA 1998 he is entitled to get the benefit of postgraduate scale of pay from the date following the last date of his M.A. final examination which has not been considered by the said respondent no.4 while taking decision.

The State respondents are represented by Mr. Das, learned advocate who has defended the decision of the respondent no.4 whereby the prayer of the petitioner for sanction of postgraduate scale of pay has been refused.

This Court has heard the learned advocates representing the parties and perused the memo dated 27th November, 2018 of the respondent no.4 whereby the claim of the petitioner for sanction of postgraduate scale of pay has been rejected.

It appears from the said memo dated 27th November, 2018 that the respondent no.4 while refusing to extend the benefit of postgraduate scale of pay in favour of the petitioner failed to assign cogent reasons excepting the Government order

dated 27th November, 2007 which was referred to in the said decision of the respondent no.4.

At first blush, it appears that the decision of the respondent no.5 is cryptic and devoid of any reasons.

In above conspectus, the decision of respondent no.4 as contained in memo dated 27th November, 2018 stands set aside.

This Court directs the Commissioner of School Education being the respondent no.3 to take decision on entitlement of the petitioner to receive the benefit of postgraduate scale of pay on acquiring higher qualification by him within a period of twelve weeks from the date of communication of this order.

The respondent no.3 is further directed to pass a reasoned order and the same to be communicated to the petitioner within one week thereafter.

Petitioner shall be given an opportunity of hearing and during the course of hearing, petitioner shall have liberty to rely upon the relevant Government orders including the decision of the Hon'ble Division Bench dated 31st January, 2014 passed on the writ petition being W.P. 14760 (W) of 2004 (Rabi Kanta Barman -vs- District

Inspector of Schools (SE) & Ors.) which has been relied upon by the petitioner before this Court during the course of hearing.

With the above direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)