

23.02.2022
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Sl. No. 06
Ct. No. 05

WPA 14354 of 2021

[Via Video Conference]

Mr. Sourav Sadhukhan
-Versus-
The State of West Bengal & Ors.

Mr. Sandip Kumar Bhattacharyya
Mr. Suman Basu
Ms. Debanwita Pramanik

..... for the petitioner

Mr. Supriya Chattopadhyay
Mr. Sagnik Chatterjee

..... for the State

The claim of the petitioner is for a direction on the respondent authorities to grant the higher scale of pay to the petitioner as a Post Graduate teacher. According to learned counsel appearing for the petitioner, the petitioner's educational documents including his M.Sc. degree in the relevant subjects was verified at the time of interview and that the petitioner acquired his Post Graduation degree before joining the Institution as on 4th December, 2013. This is also the statement made in the writ petition. Learned counsel appearing for the petitioner submits that the petitioner has however taken a transfer from the concerned High School in North 24 Parganas to another Institution in Howrah in 2018.

Learned counsel appearing for the State places the relevant G.O. which would cover the facts of the present case and submits that the respondent No. 7 being the Additional District Inspector of Schools(S.E.), North 24 Parganas is the proper authority to carry out the direction of this Court.

Upon considering the relevant Order of the School Education Department, Secondary Branch namely No. 1595-SE(S) dated 26th December, 2005, it is clear that the petitioner qualifies under Clause (b) (of the said order) which provides that a teacher of a School who has been appointed through the West Bengal School Service Commission in the Hons. or Post Graduate teacher category shall be entitled to draw Post Graduate scale of pay from the date of publication of results of such examination if the teacher has completed the examination of the Post Graduate degree in the subject relevant to the appointment prior to joining the post but the results of such examination has been published after appointment to the post. Clause (b) further provides that the Post Graduate scale of pay shall be applicable from the date of publication of the results of such examination. In the present case, since the petitioner completed his

Post Graduate degree before joining the post, the petitioner shall be entitled to the Post Graduate scale of pay from the applicable date under the said order. The respondent No. 7 is directed to allow the Post Graduate scale of pay to the petitioner along with all arrears from the date of his joining the service namely 21st November, 2013. The arrears shall be paid to the petitioner within eight weeks from date.

WPA 14354 of 2021 is allowed and disposed of in terms of the above.

The respondent No. 6 being the District Inspector of Schools(S.E.), Howrah is directed to give all assistance for compliance of this order.

(Moushumi Bhattacharya, J.)