

22.08.2022
Court No.13
Item No.709
AP

WPA 14927 of 2018

Surath Kumar Hom Roy
Vs.
The State of West Bengal and Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das

... For the Petitioner.

Mr. Santanu Kumar Mitra
Mr. Sk. Marsood

... For the State.

The petitioner was enrolled in the MA Part I examination and completed the same before he joined the Honours Graduate Post in Jorepatki High School (H.S.) on 13th September 2007. He completed the Part II examination on 5th September 2008. He applied for postgraduate scale of pay.

By an order dated 7th November 2012 the District Inspector of Schools (SE), Coochbehar declined his prayer for postgraduate scale of pay by applying G.O. No.593-SE(B) dated 27th November 2007. The said G.O. issued in terms of the Section 14(3) of the West Bengal Schools (Control of Expenditure) Act, 2005.

Counsel for the petitioner Mr. Jana relies upon a decision of a Division Bench of this Court in the case of ***Md. Adeel Uz Zaman Vs. The State of West Bengal & Ors.*** in ***MAT 825 of 2020*** delivered on 11th February 2021. In the internal page 7 of the judgement it has been held that having enrolled in the postgraduate course prior to appointment in the honours post in

question, the petitioner was not required to take the prior permission of the District Inspector of Schools in terms of the G.O. dated 27th November 2007. This Court is bound by the said decision.

In these circumstances, the impugned order shall stand set aside.

The petitioner shall be entitled to postgraduate scale of pay on and from 5th September 2008. Let all arrears be paid to the petitioner within a period of three months from date. Pay scale of the petitioner shall be fixed with effect from 5th September 2008.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)