

14 14.12.2022
rkd Ct.15

W.P.A. 17203 of 2017

Sri Kanak Kanti Das

-vs-

The State of West Bengal & Ors.

Mr. Kamal Mishra ,
Ms. Rimpay Mukherjee,
Mr. Pratap Sanfui
Mr. Subhadeep Maitra,

....for the petitioner.

In the present writ petition petitioner has claimed sanction of postgraduate scale of pay for acquiring postgraduate qualification in Bengali which is not the relevant subject of teaching of the petitioner in consideration of his appointment as an assistant teacher in Bio Science. Petitioner joined post of assistant teacher in Bio Science with effect from 17th December, 1986 and was sanctioned pass graduate scale of pay. In 2006 petitioner obtained postgraduate qualification in Bengali. Case has been made out by the petitioner that on a post fell vacant he was shifted from Science Group to Language Group and started taking classes in Bengali which confers right to the petitioner to enjoy postgraduate scale of pay.

The claim of the petitioner for sanction of postgraduate scale of pay was spurned by the District Inspector of Schools (SE), Purba Medinipur

vide order dated 19th April, 2016 which is subject matter of challenge in this writ petition.

The decision of the District Inspector of Schools (SE), Purba Medinipur is perused by this Court. Notwithstanding reliance being placed by the District Inspector of Schools on some of the judgments delivered by this Court – i) Tarak Chandra Roy –vs- The State of West Bengal & Ors., ii) Md. Rahim Sk –vs- The State of West Bengal & Ors., iii) State of West Bengal & Ors. –vs- Baishali Banerjee & Ors. and iv) State of West Bengal & Ors. –vs- Sauvik Ghose & Ors. it appears to this Court that the claim of the petitioner for sanction of postgraduate scale of pay for acquiring higher qualification in non-relevant subject cannot be countenanced in view of the fact that the school where petitioner was working in order to satisfy the conditions as contained in Government Circular Letter dated 27th January, 1995 being No.57-SE(S) shifted the petitioner from Science Group to Language Group so that the respondent authorities in terms of the said Circular sanction postgraduate scale of pay.

However, there is nothing on record to show that such arrangement made by the school authority was in the academic interest of the

institution since it has rightly been found by the concerned District Inspector of Schools that no academic purpose shall be sub-served by shifting the petitioner from Science Group to Language Group since petitioner was sole teacher of Bio Science.

In addition thereto to make the petitioner eligible to get the sanction of postgraduate scale of pay arrangement of shifting of the petitioner from Science Group to Language Group is required to be approved by the concerned District Inspector of Schools; such approval is not accorded by the concerned District Inspector of Schools (SE), Purba Medinipur, in the present case.

In view of aforesaid position, this Court does not find that the petitioner is entitled to receive postgraduate scale of pay on acquiring higher qualification in non-relevant subject in terms of the Government Circular Letter dated 27th January, 1995.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this

order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)