

M/L 393
26.08.2022
adeb

WPA 19216 of 2021

Sonali Roy Das
Vs.
The State of West Bengal & Ors.

Ms. Papiya Chattopadhyay

...for the Petitioner

Mr. Pradip Kr. Roy
Ms. Shraboni Sarkjar

...for the State

The writ petition is taken up for consideration in presence of the learned advocates representing the petitioner and the State-respondents. In spite of granting opportunity by this Court vide order dated 23rd February, 2022 till date the respondents have not filed any affidavit-in-opposition to this writ petition.

Be that as it may, the matter relates to grant of post graduate scale of pay in favour of the petitioner who was appointed as Assistant Teacher on 28th March, 2006 possessing academic qualification B.Sc (Honours), B.Ed and such appointment was duly approved by the concerned District Inspector of Schools (SE), North 24 Parganas, Barasat being the respondent no. 3.

It has been submitted by Ms. Papiya Chattopadhyay, learned advocate representing the petitioner that from the date of her appointment petitioner has been sanctioned Honours Graduate Scale of Pay in consideration of the educational qualification which she had.

It has also been submitted that petitioner prior to her appointment completed M.Sc Part-1 Examination in Mathematics in 2005 and after joining the post of Assistant Teacher petitioner finally passed M.Sc Part-II Examination. Petitioner claims sanction of post graduate scale of pay in view of acquiring higher qualification in the relevant subject of Mathematics. After qualifying M.Sc final examination the headmistress of the school where petitioner is working vide letter dated 30th November, 2015 approached the respondent no. 3 to sanction post graduate scale of pay in favour of the petitioner based on the application which petitioner made to the school authority in this regard. According to the petitioner till date no formal decision has been taken by the respondent no. 3 in consideration of such approach which was made by the head of the institution.

Petitioner has also relied upon judgment dated 11th February, 2021 passed by the Hon'ble Division Bench on intra Court appeal being MAT 825 of 2020 (Md. Adeel Uz Zaman Vs. The State of West Bengal & Ors.). According to the petitioner in view of the law laid down by the Hon'ble Division Bench there is no requirement of obtaining prior permission in terms of the Government Order dated 27th November, 2007 from the respondent no. 3 since the petitioner commenced higher study prior to her appointment.

State-respondents are represented by Ms. Shraboni Sarkar, learned advocate.

In view of the facts as narrated above this Court on finding that the application of the head of the institution dated 30th November, 2015 is still not decided by the respondent no.

3 grants leave to the writ petitioner to make a composite representation before the respondent no. 3 within a period of a fortnight from date. If such representation is made within the aforesaid date the respondent no. 3 shall take a decision on the claim of the petitioner relating to sanction of post graduate scale of pay by passing a reasoned order on granting opportunity of hearing to the petitioner and the school authority where the petitioner is working at present within a period of 12 (twelve) weeks thereafter. Decision to be taken by the respondent no. 3 shall be communicated to the petitioner within 1 (one) week thereafter.

Petitioner shall be at liberty to rely upon the relevant materials including the judgment of the Hon'ble Division Bench dated 11th February, 2021 as aforesaid.

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.)