

29.08.2022
Ct. no.13
Sl. No.23
ap

W.P.A. 20868 of 2021

[Khuku Sikdar -Vs- The State of West Bengal & Ors.]

Sk. Sahajahan Ali,
Mr. Kaustav Chandra Das
... .. for the petitioner
Mr. Swapan Banerjee,
Mr. Sougata Maity.
...for the State.

The petitioner was enrolled in the M.A. Part I examination and completed the same before she joined the Honours Graduate Post in Kshudrapur Junior High School (H.S.) on 12th July 2011. She completed the Part II examination on 19th October, 2012. She applied for postgraduate scale of pay.

By an order dated 30th August, 2018, the District Inspector of Schools (SE), Birbhum declined her 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. Ali 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 20th October, 2012. District Inspector of Schools (SE), Birbhum and the School shall release all arrears to the petitioner within a period of three months from date. Pay scale of the petitioner shall be fixed with effect from 20th October, 2012.

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.)