

20.06.2022
Court No.13
Item No.41
AP

WPA 20263 of 2019

**Sri Sushil Kumar Bhowmick
Vs.
The State of West Bengal and Ors.**

Mr. A. Ray
Ms. Mousumi Bhowal

... For the Petitioner.

Mr. Supriyo Chattopadhyay
Ms. Tapati Samanta

... For the State.

The writ petitioner is aggrieved by an order dated 6th September 2019 passed by the Director of Mass Education Extension, West Bengal, denying higher scale of pay to the writ petitioner.

The facts of the case are that the writ petitioner joined the post of Assistant Teacher in Naihati Apex Blind School, with effect from 1st April 1993. The school parts lessons up to Class VIII. The writ petitioner acquired degree of a Masters in Modern History in the year 1996, and applied for higher pay scale. Two earlier writ petitioners were filed directing the respondents to consider and reconsider their decision. The impugned order was passed pursuant to such reconsideration.

The Director of Mass Education Extension, West Bengal found that the writ petitioner, teaching up to Class VIII, was not a teacher in any specific subject. He had graduate degree in commerce. It essentially, therefore, implies as an obvious corollary, that the

higher qualification acquired by the writ petitioner in history cannot in any way benefit the students or the school in any form.

Counsel for the writ petitioner, however, makes reference to a circular dated 31st January 2000 by which the Mass Education Extension Department has applied G.O. 57-SE(S) dated 27th January 1995 also to institutions with handicapped students.

Based on a further circular dated 27th January 1995 issued by the School Education Department, it is argued that even if a person teaches one subject in a school and acquires a post graduate degree in another subject, he would still be entitled to higher post-graduate pay scale if he teaches the other subject even once.

This Court is of the view that the aforesaid circulars do not apply to the petitioner's case. Admittedly, the school in which the petitioner is teaching, has not allotted any specific subject to the petitioner. His obtaining higher qualification cannot, therefore, even otherwise benefit the students.

No such benefit is conceived of even by reason of the appointment of the teacher to teach any subject in the school.

In that view of the matter, no relief can be granted to the writ petitioner.

Accordingly, the writ petition is dismissed.

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.)