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WPA/22895/2014
Supriya Mondal (Maity)
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Kaustav Chandra Das,
Sk. Sahjahan Ali
..for the Petitioner

The petitioner is aggrieved by non-consideration by the ADI of Schools, Contai, Purba Medinipur, of a claim for higher/postgraduate scale of pay. He applied for the same on 25th of April, 2013.

Admittedly, the petitioner got enrolled in a Post-Graduate Course before joining his post as the Assistant Teacher of the School on 17th of March, 2006. After joining service, the petitioner acquired a post-graduate degree on 7th July, 2006. She applied for higher scale of pay. It was held that in terms of G.O.593, dated November 27, 2007, prior permission of the DI was necessary for the purpose of pursuing such post graduate course.

Counsel for the petitioner relies upon the decision of this Court dated September 22, 2021, passed in WPA 1044 of 2021 as also the judgment of this Court dated February 11, 2021, delivered in MAT 825 of 2020 with CAN 1 of 2021. Counsel for the petitioner submits that

the G.O.593-SE(B), dated November 27, 2007 is binding on the respondents. Placing reliance on the decision of the Division Bench of this Court delivered in MAT 825 of 2020 with CAN 1 of 2021 (Md. Adeel Uz Zaman –vs- The State of W.B. & Ors), dated February 11, 2021, it is submitted that a similarly circumstanced person who got enrolled in a post graduate course prior to his engagement as an assistant teacher did not seek any such approval. The aforesaid decision was followed by this Court in the case of Golam Khaja Farid –vs- The State of West Bengal & ors. (WPA 1044 of 2021).

Counsel for the State submits that the decision that G.O.593-SE(B), dated November 27, 2007 mandates approval of the DI, both at the time of admission and for the purpose of examination. However, this Court is bound by the decision of a Division Bench of this Court delivered in MAT 825 of 2020 with CAN 1 of 2021 (Md. Adeel Uz Zaman –vs- The State of West Bengal & Ors.), in which case the DI of Schools allowed the post graduate scale of pay to the said Md Adeel Uz Zaman in terms of the order of the Division Bench.

In that view of that matter, the petitioner in this case shall also be entitled to post graduate scale of pay pursuant to his having acquired the higher qualification i.e. w.e.f. 8th July, 2006 i.e. the day after the last day of

examination in P.G. The petitioner shall be entitled to notional fixation of higher pay scale upto 2013. All arrears of high pay scale shall be payable to the petitioner from 2013 till date. In the peculiar facts and circumstances of this case, this Court is not inclined to order any interest in favour of the petitioner.

The DI, Purba Medinipur and the school shall release all arrears to the petitioner within 2 months of the date of communication of this order.

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

(Rajasekhar Mantha, J.)

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