

12.08.2022  
Court No.13  
Item No.67  
AP

**WPA 26457 of 2015**  
**With**  
**IA NO: CAN 1 of 2017 (Old No:CAN 7919 of 2017)**  
  
**Md. Borhan Kosak**  
**Vs.**  
**The State of West Bengal and Ors.**

Mr. Md. Salahuddin  
Mr. Md. Ahsanuzzaman  
Mr. Md. Raziuddin

... For the Petitioner.

**In Re. : CAN 1 of 2017 (Old No:CAN 7919 of 2017)**

Sufficient grounds were available for explaining the absence of the writ petitioner on 2<sup>nd</sup> August 2017.

Hence, the said order is recalled.

WPA 26457 of 2015 is restored to its file and number.

CAN 1 of 2017 (Old No:CAN 7919 of 2017) shall stand allowed.

**In Re.: WPA 26457 of 2015**

The petitioner is aggrieved by a communication dated 6<sup>th</sup> February 2015 passed by the District Inspector of Schools (SE), Murshidabad rejecting his prayer for higher scale of pay in view of the G.O. No.593 SE (B) dated 27<sup>th</sup> November 2009.

The petitioner joined Mirjapur D.P. High School in 2008 and he acquired his postgraduate degree in physics in 2011.

Admittedly, the concerned District Inspector of Schools has not given prior permission for acquiring the postgraduate degree to entitle the petitioner to seek any higher scale of pay. Only a request from the schools is pending and remains unconsidered till date.

The argument of the counsel for the petitioner is that the West Bengal Board of Secondary Education has sanctioned leave and, hence, the petitioner must be deemed to have obtained the permission from the District Inspector of Schools.

The aforesaid argument of the counsel for the petitioner cannot be accepted by this Court. In that view of the matter, no relief can be granted to the petitioner.

With the aforesaid observations, 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.)**