

09-06-2022
ct no. 13
Sl. 6
sp

WPA 31130 of 2017

Arkayan Basu

-Versus-

The State of West Bengal & Ors.

Mr. Subhas Jana

....for the petitioner

**Mr. Malay Singh,
Mr. Rakesh Singh**

.....for the State

The petitioner has prayed for higher scale of pay pursuant to his requiring a Post Graduate degree. The petitioner had enrolled into his Post Graduate degree prior to joining his service. The petitioner joined service on July 6, 2010.

It is submitted that the school has accorded permission to the petitioner to obtain higher qualification only. However, prior permission of the DI had not been taken for the purpose of higher pay scale pursuant to such higher qualification.

Reference in this regard is made by the counsel for the school to G.O. issued by the School Education Department dated November 27, 2007, being No. 593-SE(B), that requires applicants to permission from the Managing Authority both for the purpose of appearing for

any examination for enhancement of educational qualification as well as for claiming additional increment/higher scale of pay in pursuance of such higher qualification.

Counsel for the petitioner, however, relied upon a communication of the D.I. of Schools under the R.T.I. Act dated December 10, 2015, by which it is stated that the application of the petitioner is under consideration.

In that view of the matter, the D.I. of Schools (SE), Purulia, may take an appropriate decision on the petitioner's application in accordance with law, and the applicable rules and the Circular of the School Education Department and particularly, the Control of Expenditure Act, 2005. Such decision may be taken within two months from date.

With the aforesaid observations, the writ petition shall stand 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.)