

21.06.2022
Court No.13
Item No.20
pk

WPA 31800 of 2008

Ranjit kumar Patra
Vs.
State of West Bengal & Ors.

Mr. Kalyan Kumar Panda
... for the petitioner.

Ms. Chaitali Bhattaharya
... for the State.

The writ petitioner is aggrieved by order dated 31st October, 2008 passed by the District Inspector of Schools (SE). Purulia.

By the impugned order, the petitioner's prayer for higher pay scale in view of post graduate qualification in history acquired in the year 2004. Two grounds have been indicated by the D. I. of Schools(SE) for refusing higher pay scale. Prior permission of the competent authority for improvement of qualification in terms of Memo No. 593 (SE) dated 27.11.2007 has not been taken. The Control of Expenditure Act, 2005 has also been indicated as a ground.

This Court sees that the primary object of seeking prior permission of the D. I. of Schools for the purpose of acquiring higher qualification is for the State to ascertain as to whether the higher qualification being acquired by the petitioner would in any way benefit the students. The petitioner has

not been able to demonstrate any such benefit. The State has found no such benefit.

In that view of the matter, considering the fact that prior permission has not been sought in the instant case and also the provision of the Control of Expenditure Act, 2005, this Court does not find any infirmity in refusing higher pay scale by the D. I. of Schools to the petitioner for having acquired higher qualification.

Reference to the Circular No. 438-SE/S/5P-19/09 dated 19.05.2014 is not found relevant in the facts of the case.

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.)