

26.08.2022
Court No.13
Item No.22
AP

**WPA 36627 of 2013
With
IA NO: CAN 1 of 2022**

**Sukdeb Patra
Vs.
State of West Bengal & Ors.**

Mr. Arunava Pati
Mr. Tapas Sinha
Mr. S.C. Dhara

... For the Petitioner.

Mr. Sanjib Das

... For the State.

The petitioner is aggrieved by the order dated 23rd October 2013 passed by the Additional District Inspector of Schools (SE), Kharagpur Sub-Division, Paschim Medinipur. By the impugned order, it is found that the petitioner's scale of pay was incorrectly fixed at Rs.4650/- instead of Rs.4500/- - Rs.9700/-.

The brief facts of the case are that the petitioner entered into the service on 18th March 1999 in a graduate post as librarian. The scale of pay for a postgraduate post of librarian would be Rs.4500/- - Rs.9700/-. The scale of Rs.4,650/- is payable only in a postgraduate post.

Counsel for the petitioner would argue that the petitioner already had a postgraduate degree in the nature of M.Com. at the time of entry into the service.

By reference to the Sub-para 3 of paragraph 12 of the circular No. 25-SE(B)/IM-102/98 dated 12th February 1999 the petitioner claims that he is entitled to postgraduate scale of pay.

It is noted that Sub-para 3 of paragraph 12 of the said circular applies for entitlement of postgraduate scale of pay for those who had postgraduate degree or acquire one in the subject that they are teaching.

The petitioner is a librarian and, therefore, cannot take advantage of a Master's degree in commerce.

The petitioner's scale of pay ought to have been fixed only at Rs.4500/- Rs.9700/-.

This Court does not find any infirmity with the order dated 23rd October 2013 passed by the Additional District Inspector of Schools (SE), Kharagpur Sub-Division, Paschim Medinipur.

Counsel for the petitioner relies upon an information furnished in the supplementary affidavit that one Tapan Kumar Maity who is similarly circumstanced with the petitioner, had a postgraduate degree in science, was allowed to draw postgraduate scale of pay at the entry level.

The facts and circumstances of the case of Tapan Kumar Maity are not before this Court. In any event if the said Tapan Kumar Maity has been

incorrectly granted any scale of pay, the petitioner cannot claim negative equality on that basis.

In these circumstances, no relief can be granted to the petitioner. Hence, the writ petition fails and hereby dismissed.

CAN 1 of 2022 shall also stand disposed of accordingly.

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.)