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07.03.2022
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A. 554 of 2022
(Via Video Conference)**

**Alipnur Khatun
-versus
The State of West Bengal & Ors.**

**Mr. Pradip Kumar Ghosh,
Mr. Debajit Kundu.
...For the Petitioner.**

**Mr. Bikramaditya Ghosh,
Mr. Pretom Das.
...For the State.**

The petitioner assails the order dated 3rd January, 2022 passed by the District Inspector of Schools (SE), Jalpaiguri rejecting her prayer for grant of higher scale of pay on the ground that the petitioner did not take prior permission from the District Inspector of Schools (SE), Jalpaiguri for completion of the Master Degree Course.

It appears that the petitioner filed a writ petition earlier being WPA 807 of 2021 praying for higher scale of pay, which stood disposed of by this Court on 30th September, 2021 wherein the Court made it very clear that the petitioner's claim cannot be rejected on the ground of lack of prior permission from the District Inspector of Schools (SE), Jalpaiguri.

It appears from the impugned order that the prayer of the petitioner has been rejected on the selfsame ground i.e, non-granting of prior permission.

The impugned order clearly shows that the same was passed upon total non-application of mind absolutely contrary to the direction passed by the Court in the earlier writ petition.

Accordingly, the impugned order dated 3rd January, 2022 cannot be sustained and the same is set aside and quashed.

The District Inspector of Schools (SE), Jalpaiguri is directed to act strictly in accordance with the direction passed by the Court on 30th September, 2021.

Steps shall be taken at the earliest, but positively within a period of four weeks from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)