

20. 13.02.2023  
bd. Ct.15

W.P.A. 3830 of 2015

Sri Bimal Kumar Mondal

-vs-

The State of West Bengal & Ors.

Mr. Ekramul Bari

Sk. Imtiajuddin

... for the petitioner

Petitioner is claiming post graduate scale of pay for acquiring M.Sc. degree in Mathematics from the date of his appointment i.e., 24<sup>th</sup> February, 2010 in Goutamdanga Chatuspalli Vidyapith (High School), District- Burdwan, (hereinafter referred to as “said school”).

Petitioner was appointed in the said school on the recommendation of the School Service Commission dated 19<sup>th</sup> January, 2010 wherefrom it appears that the recommendation was made in favour of the petitioner upon treating him as Honours category candidate. It has also been submitted on behalf of the petitioner that before joining the post of assistant teacher in the said school under science group petitioner acquired post graduate qualification and the last date of the final M.Sc.examination was 15<sup>th</sup> March, 2009. Petitioner is seeking sanction of post graduate scale of pay from the date of joining the said school on 24<sup>th</sup> February, 2010. One representation dated 20<sup>th</sup> December, 2010 has been preferred to the concerned District Inspector of Schools (SE), Burdwan, which has not been responded to by the respondent no. 3.

No one is representing the State respondents today.

Considering the submission made on behalf of the petitioner and on perusal of records it appears that it is a fit case where direction is required to be given upon the concerned District Inspector of Schools for taking decision on the claim of the petitioner to sanction post graduate scale of pay from the date of his appointment in the said school on 24<sup>th</sup> February, 2010. It appears that the petitioner was appointed under Honours category, therefore there is no impediment in granting post graduate scale of pay in terms of section 14 of the West Bengal Schools (Control of Expenditure) Act, 2005 provided other requirements are fulfilled.

In view of aforesaid situation this Court directs the District Inspector of Schools (S.E.), Purba Burdwan, to take decision in accordance with law on entitlement of the petitioner to get the benefit of post graduate scale of pay from the date of his joining in the said school on 24<sup>th</sup> February, 2010 within a period of eight weeks from the date of communication of this order. Before taking such decision opportunity of hearing shall be granted to the petitioner or his representative and the said school authority.

With the aforesaid direction, the writ petition stands disposed of. However, there shall be no order as to costs.

The learned advocate for the petitioner is

granted leave to amend the cause title of the writ petition and add the District Inspector of Schools (SE), Purba Burdwan, as additional respondent.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**