

WPA 3658 of 2009

Smita Sanyal
Vs.
State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. Sk. Imtiaz Uddin.
... for the petitioner

This matter appear under the heading “to be mentioned” for clarification that if the point involved in this writ petition is presently pending for adjudication before the Hon’ble Full Bench.

On the basis of the submissions made on behalf of the petitioner, it is now found that the scale of pay regarding master degree holders is not an issue pending before the Hon’ble Full Bench. Therefore, this Court concedes to the submissions made that the matter involved in this writ petition is not covered by the issues now pending before the Hon’ble Full Bench, for adjudication.

Let this matter be disposed of by the following order.

Mr. Bari being assisted by Mr. Imtiaz Uddin represents the petitioner. No one has represented the respondents in this case, on the last occasion and today also. Hence, it is found that the respondents are not interested to contest this writ petition. The writ petition is taken up for hearing and disposal.

In spite of directions of this Court dated July 19th 2023, no report has been submitted in Court.

Petitioner's prayer, inter alia, are as follows –

A Writ of Mandamus directing, particularly, the respondent no. 3 to grant post graduate scale of pay to the petitioner in view of her upgraded qualification with effect from May 15, 2005.

Petitioner says that her service as an Assistant Teacher of Dhupguri Girls High School, District – Jalpaiguri, she has accomplished post graduate degree and thus upgraded her qualification in view of such upgradation in her qualification. According to her, she is entitled to the benefits of enhanced pay of scale under the ROPA Rules, 1998. Petitioner has made prayer before the District Inspector of Schools, (S.R), Jalpaiguri on October 19, 2008. Subsequent thereto, the school authorities were requested vide letter dated January 15, 2009 to submit necessary documents in this regard. However, the petitioner has not been granted the benefits in terms of her upgradation, in qualification, by the respondent authorities. Petitioner seeks an order to mandate grant of such benefit to her.

Learned advocate appearing for the petitioner, in addition to submitting the facts as above, has also informed the Court that at present the petitioner is retired and drawing pension according to the old scale of pay without any benefit for upgradation.

Since the facts of upgradation of petitioner's qualification with effect from May 15, 2005 is uncontroverted in this case and also the fact that in case of upgradation of qualification she would be entitled to the benefits for revision of scale of pay in terms of the Rules as above, it is found that the prayer of the petitioner is legible to be allowed.

Hence, the writ petition is allowed with the directions upon the respondent authorities to immediately implement the upgraded enhanced scale of pay to the petitioner in accordance with her upgraded qualification with effect from May 15, 2005 and also the consequential benefits including the enhanced benefits as applicable.

Let the entire exercise be completed within a period of eight weeks from the date of communication of this order. For the purpose of communication, the server copy of the order would suffice.

With these directions, the writ petition is disposed of with the applications pending, if any.

(Rai Chattopadhyay, J.)