

W.P.A. 13325 of 2004
IA No. CAN 3/2023

Ujjal Debnath
Vs.
The State of West Bengal & Ors.

Mr. Krishnendu Banerjee
Md. Idrish
Ms. Ishani Afrain
Mr. Ishan Ganguly
...for the petitioner

Mr. Sudipta Panda
Mr. Subrata Ghosh
...for the State

Petitioner has claimed higher scale of pay having higher qualification in History though petitioner was an assistant teacher in Physical Education. Petitioner was appointed as assistant teacher in Physical Education and Work Education Group on 22nd June, 1988 and at the time of his appointment he was pass graduate candidate with B.P.Ed qualification. Subsequently, he enhanced his qualification and obtained post graduate degree in History and thereafter petitioner has prayed for grant of post graduate qualification.

The learned advocate representing the petitioner submits that since petitioner used to take more than six classes in a week in History with the permission of the school where he was serving he is entitled to get the benefit of the Government Order dated 27th January, 1995 being no. 57-SE(S) which according to the

petitioner confers right upon him to enjoy post graduate scale of pay.

State-respondents are represented by the learned advocate who has opposed the prayer of the petitioner also on relying the said circular dated 27th January, 1995. Submissions have been made on behalf of the State-respondents to defend the decision of the District Inspector of Schools (SE), Burdwan.

Having considered the submissions made on behalf of the respective parties it appears that petitioner since enhanced qualification in non relevant subject taking into consideration the fact that the petitioner was an assistant teacher in Work Education and Physical Education Group and enhanced qualification in History, therefore petitioner is not entitled to enjoy post graduate scale of pay since the Government Order dated 27th January, 1995 is not applicable in his case. Clause (i) of the said Government Order dated 27th January, 1995 only applies in case of taking six classes in week in the subject in which the teacher concerned improved qualification though the same is non relevant subject when there is prior permission by the concerned District Inspector of Schools. In the present case there is nothing on record which goes to show that petitioner commenced taking more than six classes in History in a week after acquiring higher qualification on taking prior permission from the concerned District Inspector of Schools as

contemplated under the Government Order dated 27th January, 1995.

In view of aforesaid situation this Court does not find any merit in this writ petition and the same stands dismissed.

Application, if any pending, also stands dismissed.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)