

19.09.2023

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W.P.A. 16117 of 2018

Ashalata Das (Bari)

Vs.

The State of West Bengal & ors.

Mr. Bhaskar Chandra Manna

... for the petitioner

Mr. Suman Dey

... for the State

Heard learned Counsel for the parties.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated November 28, 2017 passed by the District Inspector of Schools (SE), Paschim Medinipur rejecting the prayer of the petitioner for higher scale of pay.

The case of the petitioner is that the petitioner had joined the school in the year 2008 as post-Graduate in Sanskrit and thereafter obtained Masters in the said subject. It is the further case of the petitioner that she is entitled to higher scale of pay. However, it is clear from the records that subsequent to coming into effect Section 14 of the West Bengal Schools (Control of Expenditure) Act, 2005 and the Government Order bearing G.O.593-SE(B) dated 27.11.2007, post-Graduate teacher is not entitled to get higher scale of pay especially after the introduction of the West Bengal Schools (Control of Expenditure) Act, 2005.

Counsel for the petitioner has relied upon two judgements. The first judgement is reported at **2014(2) CHN (CAL) 85 (Sutapa Kundu Vs. State of West Bengal)**, wherein the petitioner therein had joined the school in the year 2013 having Honours degree. In the second judgement, reported in **(2013) 1 CAL LT 649 (Provas Mondal Vs. The State of West Bengal & ors.)** the petitioner had joined as an Assistant Teacher in the year 2002. Both the cases relied on by the petitioner are prior to coming into effect the West Bengal Schools (Control of Expenditure) Act, 2005 and therefore, not applicable in the present facts and circumstances of the case.

In light of the reasons provided above, I am of the view that there is no scope of interference by this Court in its extra ordinary jurisdiction with regard to impugned order.

With the above observations, this writ petition is dismissed.

No order as to costs.

All parties are to act on the basis of *website* copy of this order.

(Shekhar B. Saraf, J.)