

19.09.2023
SL No. 11
Court No. 8
(gc)

**FMA 1208 of 2022
CAN 1 of 2022**

**Nupur Sikdar
Vs.
The State of West Bengal & Ors.**

Mr. Tapas Kumar Majumder
...for the Appellant.
Mrs. Tapati Samanta,
...for the State.
Mr. Jayanta Samanta,
Mr. Kushal Biswas
...for the D.I./State.

1. The petitioner joined the service on 11th July, 2011. Her appointment was approved as Pass Graduate, B.P.Ed. by District Inspector of Schools (S.E.), South 24 Parganas vide Memo No.381/APT, dated 13th October, 2011. The contention of the petitioner is that in the meantime she successfully completed M.P.Ed. examination before to her joining the post. In view of the fact that she was approved for the Pass Graduate, B.P.Ed., she is not entitled to higher scale of pay which she acquired during the interregnum period as she was fully aware that she would be entitled to Pass Graduate, B.P.Ed. and her appointment was approved only against the post approved against the Pass Graduate.
2. We cannot allow a backdoor entry of the petitioner to claim higher scale of pay.

3. Accordingly, the appeal and the application stand dismissed.
4. However, there shall be no order as to costs.
5. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Prasenjit Biswas, J.)

(Soumen Sen, J.)