

S/L 99
05.9.2023
Court No.26
SD

WPA 20762 of 2021
With
CAN 1 of 2023

Sumana Pandit
Vs.
The State of West Bengal & Ors.

Sk. Sahjahan Ali

...for the Petitioner.

This matter relates to drawing of higher scale of pay upon securing post graduate qualification as governed by the West Bengal Schools (Control of Expenditure) Act, 2005 read with the Government Order bearing No.593 dated November 27, 2007.

By an order and judgment delivered on March 25, 2021 in **WPA 14468 of 2013 (Animesh Choudhury vs. State of West Bengal & Ors.)**, I had held that an assistant teacher who had previously enrolled in the Post-Graduate course prior to his/her employment as an assistant teacher need not take prior permission for appearing in the examinations of the said course from the competent authority as mandated by the Notification dated November 27, 2007.

In light of the similar factual matrix in the present writ petition to the case of **Animesh Choudhury vs. State of West Bengal & Ors. (supra)**, the principles enunciated therein are squarely applicable to the present writ petition.

In view of the above, this writ petition is also disposed of directing the District Inspector of Schools (SE) concerned

to pass a reasoned order after granting an opportunity of hearing to the petitioner keeping in mind the principles elaborate in the case of ***Animesh Choudhury vs. State of West Bengal & Ors. (supra)*** within a period of eight weeks from date. The reasoned order shall be communicated to the petitioner within a week from the date of passing of the same.

In light of the above conclusion and directions, the writ petition along with connected application is disposed of.

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

(Shekhar B. Saraf, J.)