

Rafikul Amin

-vs-

The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Asif Mehdi

....for the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal

....for the State.

Petitioner was initially appointed as an assistant teacher having educational qualification B.Sc (Hons.) in Zoology with effect from 1st January, 1985. Subsequently, petitioner enhanced his qualification on passing M.Sc in Zoology from B. N. Mondal University, Madhepura, Bihar. On recognition of postgraduate qualification of the petitioner the School Service Commission recommended the name of the petitioner for appointment as Headmaster of a Government recognized high school and accordingly petitioner was appointed as Headmaster with effect from 16th September, 2008. The District Inspector of Schools (S.E.), Murshidabad approved appointment of the petitioner as Headmaster by issuing memo dated 3rd October, 2008. Presently petitioner is working as Headmaster in a high school.

It has been submitted by Mr. Jahan,

learned advocate representing the petitioner that the study leave which was availed of by the petitioner for participating in M.Sc examinations has been duly approved by the President, West Bengal Board of Secondary Education by issuing memo dated 28th November, 2007. Thereafter petitioner claimed sanction of postgraduate scale of pay from the date following the last date of M.Sc final examination till the date of appointment of the petitioner as Headmaster on 16th September, 2008.

Petitioner has lodged a claim vide letter date 18th March, 2009 through the Headmaster of the previous school namely Patkeldanga High School before the concerned District Inspector of Schools (S.E.), Murshidabad. The authority of the said school also by issuing letter requested the concerned District Inspector of Schools to sanction postgraduate scale of pay in favour of the petitioner for the period as aforesaid.

Notice of this Court has been drawn to memo dated 24th March, 2015 issued by the District Inspector of Schools (S.E.), Murshidabad whereby claim of the petitioner for sanction of postgraduate scale of pay was forwarded to the Commissioner of School Education, West Bengal, for taking final decision. Petitioner prays for

sanction of postgraduate scale of pay from the date following the last date of M.Sc final examination till the date of appointment as Headmaster.

State respondents are represented by the learned advocate.

It appears that there was a direction by a coordinate Bench on 4th December, 2017 directing the State respondents to file affidavit-in-opposition.

The learned advocate representing the State respondents submits today that till date no affidavit-in-opposition has been filed pursuant to the said order dated 4th December, 2017.

Having considered the submissions made on behalf of the respective parties and on perusal of the relevant materials available on record, it appears that the issue of grant of postgraduate scale of pay from the date following the last date of M.Sc final examination till the date of appointment of the petitioner as Headmaster on 16th September, 2008 is pending before the Commissioner of School Education as the issue has been forwarded by the concerned District Inspector of Schools vide memo dated 24th March, 2015.

In view of aforesaid facts, this Court directs the Commissioner of School Education, West Bengal, being the respondent no.2 to take decision

on entitlement of the petitioner to receive postgraduate scale of pay for the aforesaid period within a period of twelve weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative and the previous school authority, namely, Patkeldanga High School.

The decision to be taken by the respondent no.2 shall be communicated to the petitioner within two weeks thereafter.

With the aforesaid direction, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)