

15. 15.05.2023
bd. Ct.15

W.P.A. 26830 of 2006

Apu Rajak

-vs-

The State of West Bengal & Ors.

Mr. Syed Mansoor Ali ... for the petitioner.

Matter relates to grant of post-graduate scale of pay in favour of the petitioner who is an assistant teacher of a Government aided high school situated in the district of Burdwan, now, Purba Burdwan. Petitioner is having educational qualification of M.S.W. in work education from Delhi University prior to his date of joining the post of assistant teacher on 1st December, 1994.

Learned advocate representing the petitioner has relied upon memo dated 2nd January, 2006 issued by the then District Inspector of Schools (SE), Burdwan, whereby it has been intimated to the Director of School Education, West Bengal, that considering the academic qualification of the petitioner being B.S.W. he is entitled to receive honours graduate scale of pay and it has also been stated therein that the petitioner might be in receipt of honours graduate scale of pay. Reliance has also been placed on memo dated 15th January, 2001 issued by the Assistant Secretary, School Education Department, addressed to the Director of School Education, West Bengal, whereby similarly circumstanced another teacher namely Samar Das, was recommended by the Assistant Secretary to enjoy post graduate scale of pay for possessing MSW qualification in work education.

According to the petitioner he is also having MSW qualification before his appointment as an assistant teacher in work education on 1st December, 1994 therefore by this time he should have been granted post graduate scale of pay as similar benefit has been extended in favour of the another teacher having identical qualification.

Today no one is representing the State respondents and in spite of direction to file affidavit-in-opposition there is nothing on record which goes to show that on behalf of the State respondents affidavit-in-opposition has been used.

Having considering the submission made on behalf of the petitioner the writ petition stands disposed of directing the Commissioner of School Education, West Bengal, being the respondent no. 2, to take decision on entitlement of the petitioner to receive post graduate scale of pay in view of petitioner's academic qualification i.e., MSW in work education after granting opportunity of hearing to the petitioner and the school where petitioner is serving within a period of 12 weeks from the date of communication of this order. The reasoned order to be passed by the Commissioner of School Education, West Bengal, shall be communicated to the petitioner within one week 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 the order, if

applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)