

November 20, 2023
Sl. No. 21
Court No.2
s.biswas

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
Appellate Side**

WPA 2478 of 2023

Satya Ranjan Biswas

vs.

The State of West Bengal and others

Mr. Ekramul Bari
Mr. Imtiaz Uddin
Ms. Smita Sinha Mitra

... for the petitioner

Mr. Subir Kumar Saha, AGP
Ms. Bedushruti Bose

... for the State

Affidavit of service filed by the petitioner is taken on record.

The petitioner made a representation before the school authorities praying for higher scale of pay. The petitioner initially served as an Assistant Teacher in pure science at Debiganj Vivekanda High School, Galgalia, Darjeeling on and from October 16, 1993. The petitioner was thereafter transferred.

The petitioner states that when he was working as an Assistant Teacher at Debiganj Vivekanda High School, he completed a one year Bridge Course in Mathematics with the permission of the managing committee of the said school, from the North Bengal University in the year 2010.

Thereafter, the petitioner claims to have completed M.Sc. in Mathematics from Perier University, Salem, in the year 2015 through distances mode, without hampering the normal classes of the school. The post graduate examination was held on December 16, 2014. After enhancement of the qualification, the petitioner prayed for higher scale of pay before the concerned school authority and the school authority after receiving the application, forwarded the same to the District Inspector of Schools.

The petitioner further contends that as the petitioner attained the post graduate qualification through distance mode, without hampering the regular classes and as the school authority had permitted the petitioner to register for the post graduate course and take the examination, there should not be any impediment in allowing the higher scale of pay in favour of the petitioner. Moreover, Mathematics was a relevant subject.

That the two questions which are involved in the application are : (a) whether the petitioner is entitled to higher scale of pay on the relevant laws and notifications applicable; (b) whether the post graduate degree through distance mode from the Perier University Salem, can be accepted as a

recognized degree and treated as a higher qualification in West Bengal.

The writ petition is disposed of, with a direction upon the District Inspector of Schools (School Education), Siliguri to consider the writ petition as a representation of the petitioner and dispose of the same in accordance with law, upon hearing the petitioner and also the school authorities and pass a reasoned order. The order passed must be communicated to the petitioner within a period of four weeks from the date of communication of the order.

This court has not entered into the merits of the case of the petitioner. This court has not expressed any opinion on the eligibility of the petitioner. The authority will decide the matter independently.

The writ petition is disposed of accordingly.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)