

05.04.2024
Item No.67
gd/ssd

WPA/687/2009

PROMODE BARUA
VS
STATE OF WEST BENGAL & ORS.

Mr. Ekramul Bari
..for the petitioner.

Mr. Supriyo Chattopadhyay, AGP,
Ms. Sayantanee Bhattacharya
..for the State.

Mr. Bari, learned Advocate appears for the
petitioner.

None appears for the State.

Mr. Supriyo Chattopadhyay, learned
Additional Government Pleader, who usually
represents the State is present in Court and is
requested to appear in this matter.

Let a copy of this writ petition be supplied to
Mr. Chattopadhyay in course of this day.

After going through the materials on record
and after hearing the submissions of the learned
Advocates for the respective parties, this Court finds
that the petitioner was appointed as an Assistant
Teacher as pass graduate. Subsequently he
enhanced his qualification and obtained the post
graduate degree in the relevant subject.

The prayer of the petitioner for higher scale of pay was rejected.

The issue as to whether a teacher who joined the school with a pass graduate degree and during his service career enhanced his qualification can claim higher scale of pay on the basis of the said degree has now been settled by the Hon'ble Special Bench in a batch of writ petitions, the lead case being WPA 9921 of 2007 (Utpal Kanti Karan v. State of West Bengal and ors.).

In paragraph 272 of the said decision the Hon'ble Special Bench has specifically held that if a teacher joined the school with a pass graduate degree after the Government Circular dated 12th February, 1999 he would not be entitled to post graduate scale of pay unless the teacher is covered by the Government Order No.735-SE(S)/SP-132/2002 as revised by the Circular No.134-SE(S) dated 3rd November, 2004.

Since the issue has now been settled, this Court holds that the petitioner is not entitled to higher scale of pay.

Accordingly, WPA 687 of 2009 stands disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities

(HIRANMAY BHATTACHARYYA, J.)