

ML 6
10.06.2024
Ct. No. 18
adeb

W.P.A. 2314 of 2022

Susanta Ghorai
Vs.
The State of West Bengal & Ors.

Ms. Pampa Dey (Dhabal)
Ms. Sangita Banerjee
...for the petitioner

Mr. Swapan Kumar Datta
Mr. Dipankar Das Gupta
...for the State

Mr. Krishna Deo Das
Mr. Goutam Dinda
...for the respondent no. 6

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

The writ petition is heard in presence of the learned advocates representing the petitioner and the State-respondents.

Ms. Pampa Dey (Dhabal), learned advocate representing the petitioner submits that he is an assistant teacher in mathematics and has joined the present school on and from 8th June, 2016 on mutual transfer. After joining the present school petitioner obtained higher qualification of post graduate degree in Mathematics which is his relevant subject of teaching. It is also submitted that petitioner obtained necessary permission from the concerned school authority as well as the concerned District Inspector of Schools. It is also

the contention of the petitioner that leave which petitioner had obtained for undergoing higher course of study has been duly approved by the West Bengal Board of Secondary Education. Therefore, according to the petitioner he is entitled to receive post graduate scale of pay in terms of the judgment delivered by the Special Bench dated 7th February, 2024 in a batch of matters, first writ petition being **APO 343 of 2023 (Utpal Kanti Karan Vs. State of West Bengal & Ors.)**.

Mr. Swapan Kumar Datta, learned Additional Government Pleader has opposed the prayer of the petitioner on the ground that though there was a communication from the concerned school authority for granting higher scale of pay to the concerned District Inspector of School but according to the State-respondents a separate representation is required to be made by the petitioner seeking post graduate scale of pay.

Having considered the submissions made on behalf of the parties the present writ petition is disposed of directing the Commissioner of School Education, West Bengal to consider the prayer of the petitioner for sanctioning post graduate scale of pay within a period of 12 (twelve) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the representative of the concerned school authority. The Commissioner of School Education is

directed to pass a reasoned order and the same shall be communicated to the petitioner within 1 (one) week thereafter. Commissioner of School Education is also directed to follow the observations and directions as contained in the judgment of the Special Bench dated 7th February, 2024.

Leave is granted to the learned advocate representing the petitioner to amend the cause title and add Commissioner of School Education, West Bengal as additional respondent in course of this day. Service of notice upon the additional respondent stands dispensed with since State-respondents are represented by Mr. Datta.

Since no affidavits have been called for the allegations contained in the writ petition are deemed not to have been admitted.

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.)