

05.04.2024
Item No.81
gd/ssd

WPA/2252/2009
TRIDIB KUMAR MAITI
VS
STATE OF WEST BENGAL & ORS.

Mr. Ekramul Bari
..for the petitioner.

Mr. Bari, learned Advocate appears for the
petitioner.

None appears for the State.

After going through the materials on record
and after hearing the submissions of the learned
Advocate for the petitioner, 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 2252 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.)