

20.8.2024
ct.25, sl.202

WPA 2955 of 2006
Kalipada Gharai-vs--State of West Bengal & Ors.

sk

Mr. Piush Chaturvedi
Mr. Bhagbat Chaudhuri
...for the petitioner.

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
...for the State.

The petitioner is aggrieved with the order passed by the District Inspector of Schools, Secondary Education, Kolkata dated September 6, 2005. In the same, the said respondent, after having held that the petitioner did not complete a regular course of two years, to obtain a post graduate degree, has finally decided that the petitioner would not be entitled to the post graduate scale of pay. The same is the grievance of the petitioner.

The petitioner was appointed in the school as a Physical Education Teacher in the year 1993 as a B.Com., .M.P.Ed degree holder, Assistant Teacher of the school in 1996. The petitioner completes his higher degree course i.e. M.P.Ed Examinations from Utkal University. The course was for one year in the Sessions 1992-1993. Since thereafter, the petitioner has been agitating for grant of higher scale of pay to him commensurate to his degree and for the said purpose, he has moved this Court earlier in writ petition being WP 7773(W) of 2001.

By dint of an order of the Court dated September 10, 2001, in the said case, his prayer was turned down.

The petitioner thereafter had preferred an appeal which was dismissed by the Hon'ble Division Bench of this Court.

The facts as stated above have not been disputed or denied by the writ petitioner. However, the specific contention of the writ petitioner in this case would be that since in the order of this Court dated September 10, 2001, the Court has held not to have gone into the wisdom of making decision by the respondent authority in rejecting the petitioner's prayer for higher scale of pay, accordingly, the same is still open for challenge in the present writ petition.

Argument on behalf of the petitioner as above appears to be based on erroneous consideration and wrong interpretation of the law. The same is unfounded on the basis of the order by the Hon'ble Division Bench for dismissal of petitioner's appeal.

The Court in view of the decision of the Hon'ble Division Bench passed in appeal against order dated September 10, 2001 in W.P No. 7773 (w) of 2001, in connection with the claim of the writ petitioner as mentioned above, is of the opinion that no issue for adjudication is left open thereafter to be taken up in this writ petition.

On the above premise, this writ petition is dismissed.

(Rai Chattopadhyay, J.)