

05.04.2024  
Item No.84  
gd/ssd

WPA/2312/2009  
SWADESH RANJAN DUTTA  
VS  
STATE OF WEST BENGAL & ORS.

Mr. Ekramul Bari  
..for the petitioner.

Mr. Bhaskar Prosad Vaisya,  
Mr. Suman Dey  
..for the State.

Mr. Bari, learned Advocate appears for the petitioner.

The learned Advocate appears for the State.

The petitioner has prayed for higher scale of pay. The petitioner joined the school as an Assistant Teacher with a pass graduate degree. Subsequently the petitioner enhanced his qualification and obtained the post graduate degree and filed an application before the concerned District Inspector of Schools for grant of higher scale of pay. Alleging inaction on the part of the respondent authorities, the petitioner approached this court.

The issue as to whether a teacher joining the school with a pass graduate degree is entitled to higher scale of pay after enhancing his qualification has now been settled in the decision of 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 if a teacher joined the school with a pass graduate degree after the Government Circular dated 12<sup>th</sup> 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 3<sup>rd</sup> 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 2312 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.)**