

13.12.2024.
PB
Sl. No.48.
Ct. No.25.

WPA 4580 of 2021

Smt. Tinku Saha
Vs.
The State of West Bengal & Ors.

Mr. Shamim ul Bari,
Mr. K. M. Hossain,
Ms. Keya Sutradhar,
... For the Petitioner.

Mr. Kartik Chandra Kapas.
.....for the State.

In view of the law settled now, by the Hon'ble Larger Benche's judgment, in the case of Utpal Kanti Karan Vs. State of West Bengal & Ors. reported in (2024) SCC Online Cal 1274, the issues involved in the present writ petition are determined in the light of the same since the ratio thereof, is squarely applicable in the present case too.

A report has been submitted by the District Inspector of Schools (SE) dated February 15, 2019, relying on the G.O. No.593-SE(B) dated November 27, 2007, and alleging violation thereof. As stated earlier, the issue has been set at rest by the judgment of the Hon'ble Larger Bench in the following words:-

"272(9) – If a teacher has partially completed higher study before entering service, he/she would

come under purview of G.O. No.1595-SE (S) dated 26th December, 2005, and the question of taking permission from DIS-SE concerned would not arise”.

Hence, the Court is not hesitant to direct the District Inspector of Schools (SE), South 24 Parganas, to immediately grant appropriate scale of pay meant for Post-Graduate Teachers to the petitioner w.e.f. the date in accordance with law.

Let the pay fixation be immediately made, but, not beyond the period of four weeks from the date of communication of this order.

Arrear salary, if any, be paid to the petitioner, within two weeks thereafter.

The writ petition is disposed of.

Since no affidavit of service has been called for, the allegations made in the writ petition, are deemed to have been not admitted.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)