

**WPA 5016 of 2022**

**Subhendu Datta  
vs.  
The State of West Bengal & Ors.**

Mr. Mrinal Kanti Ghosh  
.....for the petitioner

Mr. Bhaskar Prasad Vaisya, Ld. AGP  
Mr. Arindam Chattopadhyay  
.....for the State

Petitioner is an Assistant Teacher in a Government aided Higher Secondary School who was appointed on 5<sup>th</sup> February, 1999 with Honours Graduate Scale of Pay. According to the petitioner he is a teacher of commerce department of the Higher Secondary section of the concerned school and in the relevant subject of teaching he obtained higher qualification in the year 2008. The leave availed of by the petitioner for undergoing higher course of studies, according to the petitioner, was approved by the concerned authority of the West Bengal Board of Secondary Education. The case of the petitioner was forwarded by the school authority vide letter dated 15<sup>th</sup> January, 2021 to the concerned District Inspector of Schools (S.E.) for taking necessary steps. However, it has been submitted that inspite of forwarding of the letter by the school authority dated 15<sup>th</sup> January, 2021 and submission of necessary documents, till date no steps have been taken by the concerned District Inspector of Schools.

State-respondents are represented by Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader

who submits that in view of the judgment delivered by the Special Bench dated 7<sup>th</sup> February, 2024 on a batch of matters, first matter being APO 343 of 2013 with WPA 303 of 2023 (Utpal Kanti Karan vs. State of West Bengal & Ors.) the issue may be considered by the concerned District Inspector of Schools.

In view of the rival submissions made on behalf of the parties the writ petition stands disposed of thereby directing the District Inspector of Schools (SE), Paschim Bardhaman being the respondent No. 3 to take decision on the entitlement of the petitioner to receive post graduate scale of pay within a period of 8 weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and representative of the concerned school. Needless to record herein that the respondent No. 3 shall take decision in the light of the judgment delivered by the Special Bench dated 7<sup>th</sup> February, 2024.

Decision to be taken by the respondent No. 3 shall be communicated to the petitioner within one week thereafter.

However there shall be no order as to costs.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

**(Saugata Bhattacharyya, J.)**