

WPA 7776 of 2021

**Hemanta Kumar Pal
Vs.
State of West Bengal & Ors.**

**Mr. Ekramul Bari,
Mr. Sk. Imtiaj Uddin.
... for the petitioner**

1. A copy of notice submitted on behalf of the petitioner, in Court today be taken on record.
2. The writ petitioner though has been granted with the higher pay scale pursuant to his post-graduate qualification but allegedly, erroneously from the date of publication of M.Sc. Part-II examinations result.
3. Hence, the order of the District Inspector of Schools, Secondary Education, Murshidabad dated 20th August, 2009 is challenged in this case.
4. Mr. Ekramul Bari, learned counsel is appearing for the petitioner.
5. No one is appearing for the respondents in spite of service of notice.
6. Hence, the matter is taken up in absence of the respondents for disposal.
7. The relevant rule has been categorically provided vide education department Memo No. 253-Edn.(B) dated 17th September, 1984. The date of obtaining higher qualification will count from the date of following the last date of examination both theoretical and practical.

8. Therefore, so far as this petitioner is concerned, the relevant date of his obtaining higher qualification should have been 15th May, 2007, that is, the following date of last date of his Part-II examinations, in MSc.
9. The finding of the District Inspector of Schools, Secondary Education, Murshidabad in the impugned order dated 20th August, 2009 is therefore, based on erroneous considerations as regards the date of his being qualified with the higher degree.
10. However, in this case the fact remains that the petitioner ultimately joined in service with effect from 4th October, 2007 and the effective date for granting higher pay scale as regards the present writ petitioner, would be the date of his joining and not before.
11. On the premise as above, the impugned order be set aside to the extent that the petitioner would be granted the higher scale of pay with effect from the date of publication of M.Sc. Part-II examinations result. The same should be modified to the effect that the writ petitioner would be granted higher scale of pay from the date of his joining in service, that is, 4th October, 2007.
12. Therefore, the present writ petition being WPA no. 7776 of 2021 is allowed by directing the respondent District Inspector of Schools, Secondary Education, Murshidabad to grant the writ petitioner the benefit of higher pay scale in terms of his order dated 20th August, 2009 with effect from the date of the petitioner's joining in service that is, 4th October,

2007. Let the order be modified accordingly, by the said respondent.

- 13.** Let necessary pay fixation of the writ petitioner be made by the said respondent, in terms of the order as above, maximum within a period of four weeks from the date of communication of copy of this order.
- 14.** Since no affidavits are called for, allegations made in the writ petition, are deemed to have been denied by the respondents.
- 15.** This writ petition being WPA No. 7776 of 2021 is disposed of, along with the pending applications, if any.
- 16.** Urgent Photostat certified copy of this order duly downloaded from the official website of this Court upon compliance all legal formalities.

(Rai Chattopadhyay, J.)