

Ml- 21.08.2024
172 Ct.18
rkd

W.P.A. 10060 of 2023

Smt. Shraddha Halder

-vs-

The State of West Bengal & Ors.

Mr. Dwijidas Pattanayak

....for the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Sayan Ganguly

....for the State.

Pursuant to the previous order passed by a coordinate Bench supplementary affidavit has been filed today and the same is taken on record.

Petitioner prays for sanction of postgraduate scale for pay for acquiring M.Sc. degree in Mathematics being petitioner's subject of teaching. Petitioner was appointed as an Assistant Teacher in Mathematics on and from 5th April, 2005. Approval was granted by the concerned District Inspector of Schools for appointment of the petitioner vide memo dated 15th June, 2005 sanctioning Hons. graduate scale of pay.

The learned advocate representing the petitioner submits that at the time of joining the post of Assistant Teacher on 5th April, 2005 petitioner completed part of higher course of studies which she was undergoing for acquiring postgraduate qualification.

The learned advocate for the petitioner has

pointed out that though formal decision has not been taken by the District Inspector of Schools (SE), Kolkata being respondent no.3 relating to sanction of postgraduate scale of pay in favour of petitioner but an email letter dated 20th October, 2022 was forwarded to the school where petitioner is serving for submission of prior permission which petitioner may have obtained before enrolling herself in higher course of studies.

It has been submitted on behalf of the petitioner since she was undergoing higher course of studies in Netaji Subhas Open University at the time of her appointment she did not get the opportunity to complete the formality of obtaining prior permission from the respondent no.3.

In this regard reliance is placed on a judgment of the Hon'ble Division Bench passed on an intra Court appeal being MAT 825 of 2020 (Adeel Uz Zaman –vs- The State of West Bengal & Ors.) dated 11th February, 2021. It is also submitted that the ratio of Adeel Uz Zaman (supra) has been affirmed by the Hon'ble Special Bench vide judgment dated 7th February, 2024.

State respondents are represented by learned advocates who submits that till date since no decision has been taken by the respondent no.3 let the issue be forwarded to the respondent no.3 for taking decision in accordance with law.

Having considered the submissions made on behalf of the parties the writ petition stands disposed of directing the respondent no.3 to decide the entitlement of the petitioner to receive postgraduate scale of pay by passing a reasoned order within a period of eight weeks from the date of communication of this order.

Before taking decision the respondent no.3 shall afford opportunity of hearing to the petitioner or her representative.

The decision to be taken by the respondent no.3 shall be communicated to the petitioner by one week thereafter.

The respondent no.3 shall follow the ratio of Adeel Uz Zaman (supra) which has been subsequently affirmed by the Hon'ble Special Bench vide judgment dated 7th February, 2024.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)