

6.12.2024

Rubina Iyasmin -vs— State of West Bengal & Ors..

ct.25, sl.85
sk

Mr. Shamim-ul-Bari
.....for the petitioner.

The petitioner is represented though no one is appearing for the State respondent in spite of service of notice. Hence, this matter is being taken up for adjudication in absence of the State respondents.

The matter relates to grant of higher pay scale to the writ petitioner pursuant to her obtaining Master's Degree in the relevant subject.

Mr. Bari, learned advocate appearing for the petitioner has submitted that before induction of service in July 21, 2010, the petitioner had already enrolled herself in the Master's Degree Course and completed Part-I Examination thereof.

After entering into service and in the course thereof, she has appeared in Part-II examinations, with the permission of the Managing Committee of the School. After being qualified in the Master's Degree Course Examinations which was completed on January 2, 2011, the petitioner has sought for grant of higher pay scale by dint of her letter written to the Secretary of the School Managing Committee, dated –Nil.

So far as the said letter of the writ petitioner seeking grant of higher pay scale is concerned, the respondents have still not considered her prayer as

above. Hence, in this writ petition, the petitioner seeks an appropriate order.

The law in this respect and in the similar factual background is now well settled by the judgment of Hon'ble Larger Benche of this Court in **Utpal Kanti Karan -vs- State of West Bengal 2024 SCC Online Cal 1274, in the following words:-**

“272(g)- 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”.

It is therefore found proper to dispose of this writ petition with the following directions:-

- i) The writ petitioner shall file a comprehensive representation before the District Inspector of Schools, Secondary Education, Burdwan/respondent no. 6 ventilating her grievance and claim as above, in the light of the Larger Benches' Judgment of the Court as mentioned above.
- ii) The respondent no. 6 shall consider the petitioner's representation so submitted, within a period of four weeks from the date of submission of representation by the petitioner, and after affording an opportunity of hearing to the petitioner.

- iii) The respondent no. 6 shall pass a reasoned order, in case the claim of the petitioner is rejected by him.

The writ petition is disposed of.

Since no affidavit-in-opposition has been called for in this case, all allegations made in this writ petition are deemed to have been denied by the concerned respondent.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rai Chattopadhyay, J.)