

26th September,
2024
(AK)
03

W.P.A 10281 of 2019

Sharbani Samanta
Vs.
The State of West Bengal and others

Md. Manuwar Ali
Ms. Moumita Karmakar
...for the petitioner.

Mr. Ranjan Saha
...for the State-respondent.

1. Mr. Ali, learned Advocate is appearing for the petitioner. He seeks leave to add the new school to which the present petitioner has been transferred to and is presently working, and also the District Inspector of schools of that zone, as party respondents in this case. Leave is granted.
2. Let necessary modifications be incorporated in the cause title pursuant to the leave by this court as above.
3. The petitioner's claim is with regard to the higher pay scale pursuant to her obtaining higher degree, that is, Master's Degree in the relevant subject of her teaching. She has stated about obtaining such higher degree during course of her employment. Consequentially she has made prayer before the District Inspector of Schools (SE), Tamluk, Purba Medinipur vide a letter dated March 6, 2019 for

grant of post graduate scale of pay. The petitioner is aggrieved that her said prayer is still pending for consideration by the concerned respondent authority.

4. In the meantime the petitioner has been transferred to the other school which has been added as party respondent in this case.
5. Learned Advocate for the petitioner has strongly relied on the provisions under Section 14(3) of the West Bengal Schools (Control of Expenditure) Act, 2005 to submit that in accordance with the said statutory provision, the writ petitioner having been appointed as a Honours Graduate teacher and having enhanced her qualification thereafter, would be eligible for grant of higher pay scale.
6. So far as the statutory provisions are concerned, that under the same are eloquent enough for anybody to understand what right the petitioner has under the said statute. Let Section 14 thereof be quoted, as herein below:-

“14. [Pay of teacher] [Substituted 'Scale of pay etc. of teacher' by West Bengal Act No. 20 of 2016, dated 2.2.2016.].

(1) Every teacher of a school [shall be entitled to draw pay] [Substituted 'shall, if appointed in the post of Undergraduate teacher category, be entitled to draw pay in the scale of pay' by West Bengal Act No. 20 of 2016, dated 2.2.2016.] in which he is appointed and shall not be entitled to claim any additional increment or higher scale of pay for acquiring any qualification other than the qualifications specified for such post.

(2) [Every teacher appointed for classes VI to VIII and classes IX and X, shall be entitled to draw pay meant for Graduate teacher] [Substituted 'Every teacher of a school shall, if appointed in the post of Graduate teacher category, be entitled to draw pay in the scale of pay in which he is appointed' by West Bengal Act No. 20 of 2016, dated 2.2.2016.] and shall not be entitled to claim any additional increment or higher scale of pay for acquiring any qualification other than the qualifications specified for such post.

(3) [Every teacher appointed for classes XI and XII, shall be entitled to draw pay meant for Post-graduate qualification and shall not be entitled to claim any additional increment or higher scale of pay for any qualification other than the minimum qualification specified for such post.] [Substituted by West Bengal Act No. 20 of 2016, dated 2.2.2016.]”

7. Therefore, in the factual background of this case, as stated earlier, the present petitioner would be entitled to the post graduate scale of pay, subject to fulfilment of all the requirements for that.
8. Therefore, the other attending facts and circumstances are also required to be considered along with the said statutory provision, before grant of higher pay scale to the present petitioner. Accordingly, it is found proper that the present writ petition be disposed of with the following directions:
 - (i) The writ petitioner shall file an exhaustive representation before the District Inspector of Schools (SE) South 24 parganas;
 - (ii) The District Inspector of Schools (SE) South 24 Parganas shall consider the same and

dispose it off by dint of a reasoned order. In doing so, the said added respondent is directed to give adequate opportunity of hearing to the writ petitioner as well as any other person/s, as it may deem fit and proper.

(iii) This entire exercise as above shall be concluded by the District Inspector of Schools (SE), South 24 Parganas within a period of eight weeks from the date of communication of copy of this order.

9. Accordingly, WPA 10281 of 2019 is disposed of.

10. Since no affidavit has been called for or the allegations made in the writ petition are deemed to have been denied by the respondents.

(Rai Chattopadhyay, J.)