

S/L 3
07.5.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 12801 of 2024

Manibandha Das
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Ms. Subhajyoti Das

...for the Petitioner.

Mr. Bibekananda Tripathy

...for the State.

Affidavit of service filed on behalf of the petitioner be kept
with the record.

The petitioner is an Assistant Teacher at Nawpara Rupdaha
High School (H.S.), District Nadia of the subject Physics (Hons.).

A representation of the learned advocate for the petitioner
dated April 15, 2024 for grant of higher scale of pay on enhancement
of his qualification in the relevant subject is pending consideration
before the District Inspector of Schools (S.E.), Nadia, the respondent
no.3 herein. The said representation forms part of the writ petition
being Annexure-‘P₈’.

The petitioner is praying immediate disposal of the said
representation.

Mr. Tripathy, learned advocate for the State submits that the
petitioner has failed to take prior permission of the respondent no. 3 to
pursue his said higher studies, as such, is not entitled to the higher
scale of pay, as prayed for.

Mr. Jana, learned advocate for the petitioner submits that the
petitioner had already completed his said higher studies before joining
in the service, in fact, only the result of the said examination was
awaiting at the time of his said appointment, therefore, no situation to
take such prior permission arose, besides, the right of the petitioner to

get such higher scale of pay stands crystallized in view of the different judgments of this Court particularly the judgment of the Hon'ble Division Bench of this Court.

He further submits that the order of the School Education Department (Secondary Branch), Government of West Bengal bearing no. 1595-SE(S) dated December 26, 2005 fortifies the claim of the petitioner to get such higher scale of pay, inasmuch the said order clarifies that a teacher who has completed the Post-Graduate course and has appeared for the examination before joining in the service but the result of said examination has been published post joining, would be entitled to get Post Graduate scale of pay from the date following the last date of examination.

Be that as it may, the representation since is pending before the respondent no.3, the said respondent is directed to dispose of the said representation in accordance with law as expeditiously as possible preferably, within a period of eight weeks from the date of communication of this order, and if necessary, after giving the petitioner an opportunity of hearing.

The petitioner is obliged to place all relevant judgments/rules/Government Orders on the subject before the said respondent at the time of disposal of the said representation.

W.P.A. 12801 of 2024 is disposed of with the above terms without any order as to costs.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)