

15.05.2024
(D/L 14)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 13202 of 2024

Dipankar Paul
-Vs-
The State of West Bengal & Ors.

Mr. Kaustav Chandra Das,
Mr. Sk. Sahjahan Ali,
.... For the Petitioner.
Mr. Suman Dey,
Ms. Sanchayita De,
.... For the State.

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

The petitioner is an approved Assistant Teacher of
Murar Ashutosh High School, District - Jhargram of the
subject Geography.

The District Inspector of Schools (S.E.), Jhargram,
the respondent no. 3 herein by the impugned memo bearing
no. 73/Law/1(3) /2024, February 06, 2024 has rejected the
prayer of the petitioner for higher scale of pay on
enhancement of his qualification in the relevant subject on the
ground that the petitioner did not obtain prior permission of
the said respondent to pursue his such higher studies.

Mr. Das, learned advocate for the petitioner submits
that the petitioner was pursuing his said higher studies before
joining the service, therefore no situation to take such prior
permission arose, consequently, denial of said higher scale of
pay for want of such prior permission is not sustainable. He
further submits that the issue is now settled by the different
judgments of this Court, particularly, by the judgment of the
Division Bench of this Court.

It appears from the impugned memo that the
respondent no. 3 was not apprised of the aforesaid judgments of

this Court at the time of consideration of the prayer of the petitioner, as such the said prayer of the petitioner deserves a fresh consideration on the basis of the said judgments.

To facilitate the said consideration, the impugned Memo is therefore set aside.

The respondent no. 3 is directed to re-consider the entitlement of the petitioner to receive higher scale of pay, as prayed for, if necessary, after giving him/his representative an opportunity of hearing. The petitioner is obliged to place all relevant judgments of this Court before the said respondent at the time of said consideration.

The respondent no. 3 shall return his findings on the referred issue within a period of eight weeks from the date of communication of this order.

W.P.A. 13202 of 2024 is thus disposed of with the above terms without any order as to costs.

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

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)