

11.09.2024
Court No. 18
Item No.170
(Suvendu)

WPA 12458 of 2023

Subir Kumar Datta
-Versus-

The State of West Bengal & Ors.

Mr. Syamal Kumar Das
Mr. Ajay Barman Ray
.....for the petitioner

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Ranjan Saha
.....for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition, petitioner
has questioned order dated 12th October, 2020
passed by the District Inspector of Schools (SE),
Barrackpore, North 24 Parganas whereby prayer
of the petitioner to sanction postgraduate scale
of pay has been spurned.

Learned advocates representing the
petitioner submits that initially petitioner was
appointed in the post of Assistant Teacher on 1st
October, 1996 with pass graduate qualification
and was sanctioned pass graduate scale of pay.
Petitioner obtained postgraduate degree in
relevant subject of teaching in 2007 and last

date of M.Sc. Part II examination was 30th December, 2007. Petitioner prays for issuance of mandamus directing State respondents to sanction postgraduate scale of pay on quashing the decision of the concerned District Inspector of Schools dated 12th October, 2020.

Mr. Vaisya, learned Additional Government Pleader has opposed the prayer of the petitioner since initial appointment was in a post which was earmarked for pass graduate teacher and on being appointed as an Assistant Teacher with effect from 1st October, 1996 petitioner was sanctioned pass graduate scale of pay. According to State respondents, since petitioner obtained postgraduate qualification in the relevant subject of teaching in 2007 the relevant provisions of West Bengal Schools (Control of Expenditure) Act, 2005 applies.

Having considered the submissions made on behalf of the parties, it appears that petitioner was appointed as an Assistant Teacher in Science and Mathematics Group in a Junior High School on and from 1st October, 1996 and was sanctioned pass graduate scale of pay. Petitioner obtained higher qualification in relevant subject of teaching in the year 2007.

Question arises whether based on such higher qualification petitioner is entitled to receive postgraduate scale of pay or not.

Considering the date of obtaining postgraduate qualification since the last date of examination was 30th December, 2007, it is found that Section 14 of the West Bengal Schools (Control and Expenditure) Act, 2005 applies in the present case wherein Section 14(2) provides that a teacher if appointed in the post of graduate teacher category he is entitled to draw pay in the scale of pay 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 qualification specified for such post.

In the present case, since petitioner was appointed in the post of Assistant Teacher which was earmarked for pass graduate teacher subsequent enhancement in qualification in the relevant subject of teaching does not make the petitioner entitled to claim postgraduate scale of pay since petitioner acquired such higher qualification after promulgation of the West Bengal Schools (Control and Expenditure) Act, 2005.

In above conspectus, the writ petition stands dismissed.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)