

Ml- 11.06.2024
68 Ct.18
rkd

W.P.A. 12586 of 2022

Mukul Pramanick

-vs-

State of West Bengal & Ors.

Mr. Biswarup Biswas
Ms. Atryee Dey Ganguly,
Mr. Pratap Chandra Sanpui

....for the petitioner.

Mr. Rama Halder

....for the State.

The petitioner is an Assistant Teacher who presently is in receipt of postgraduate scale of pay. However, petitioner discharged duty as Assistant Teacher in Srikrishnapur C.R. High School (H.S.) where he was in receipt of Hons. graduate scale of pay.

It has been contended on behalf of the petitioner that at the time of joining the first school he was sanctioned Hons. graduate scale of pay though he completed first year of higher course of studies for acquiring postgraduate qualification in the relevant subject of teaching i.e. Mathematics.

According to the petitioner since at the time of joining the first school he completed Part-I examination the prescription which is contained in the Circular dated 27th November, 2007 for obtaining permission from the District Inspector of

Schools concerned for enrolling name of the teacher concerned for undergoing higher course of studies is not required.

In this regard reliance has been placed on the judgment of the Hon'ble Division Bench passed on an intra Court appeal being MAT 825 of 2020 (**Adeel Uz Zaman -vs- The State of West Bengal & Ors.**). It is also submitted on behalf of the petitioner that the ratio of **Adeel Uz Zaman** (supra) has been affirmed by the Special Bench in the judgment dated 7th February, 2024.

The State respondents are represented by learned advocates who submits that grant of postgraduate scale of pay in connection with the service rendered by the petitioner in the first school depends upon compliance of formalities as contemplated under the relevant circulars and continuity of service of the petitioner in the first school and in the present school.

Having considered the submissions made on behalf of the parties and taking note of the view expressed by the Hon'ble Division Bench in **Adeel Uz Zaman** (supra) the writ petition is disposed of directing the Commissioner of School Education, West Bengal being respondent no.2 to decide the entitlement of the petitioner to receive postgraduate

scale of pay in connection with his service in Srikrishnapur C.R. High School (H.S.) within a period of twelve weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and concerned school authority or their representatives.

The reasoned order to be passed by the Commissioner of School Education shall be communicated to the parties within one week thereafter.

Needless to add that while deciding the claim of the petitioner for grant of postgraduate scale of pay in connection with his service in the previous school the Commissioner of School Education shall take note of the judgment of **Adeel Uz Zaman** (supra) which has been subsequently affirmed by the Special Bench in the judgment dated 7th February, 2024.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)