

24.09.2024
Sl no. 225 (ML)
Ct no. 18
P.M.

WPA 15703OF 2023
Alauddin Mallick
- Vs -
The State of West Bengal & Ors.

Mr. Anindya Bose
... for the petitioner
Mr. Shamimul Bari
... for the State

Matter relates to sanction of Post Graduate Scale of Pay in favour of the petitioner in acquiring M.Sc. degree in Mathematics from Netaji Subhas Open University.

Learned advocate representing the petitioner submits that he was appointed on the recommendation of the Madrasah Service Commission as Assistant Teacher possessing Mathematics (honours) degree.

It is also submitted that petitioner was sanctioned honours graduate scale of pay from the date of appointment.

Petitioner on undergoing higher course of studies obtained Post Graduate Degree in Mathematics from Netaji Subhas Open University.

According to the petitioner, at the time of his appointment on 18th July, 2018 he enrolled himself in higher course of studies. Therefore, he is not

required to obtain prior permission from the concerned State authorities in terms of Government order dated 27th November, 2007.

In this regard reliance is placed on the judgement of the Hon'ble Division Bench dated 11th February, 2021 passed in MAT No. 825 of 2020 (Adeel Uz Zaman Vs The State of West Bengal & Ors.).

It is also submitted that the ratio of Adeel Uz Zaman (supra) has been affirmed by the Hon'ble Special Bench in the Judgment dated 7th February, 2024.

Therefore, according to the petitioner he is entitled to get benefit of Post Graduate Scale of Pay based on the ratio of Adeel Uz Zaman (supra).

The State respondents are represented by the learned advocate who submits that since no decision has been taken by the concerned District Inspector of Schools (S.E.), issue may be relegated to the concerned State authorities for taking decision.

Having considered the submissions made on behalf of the parties this writ petition stands disposed of directing the District Inspector of Schools (S.E.) Malda being respondent No. 3 to take decision on the representation of the petitioner dated 15th

June, 2023 which is at pages 42-45 of the writ petition by eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative.

Respondent No. 3 shall pass a reasoned order and the same shall be communicated to the petitioner by one week thereafter. While taking decision the respondent No. 3 shall follow the ratio of Adeel Uz Zaman (supra) as decided by the Hon'ble Division Bench which was subsequently affirmed by the Hon'ble special Bench by judgement dated 7th February, 2024.

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

(Saugata Bhattacharyya, J.)