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09.07.2024
Ct. No. 18
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W.P.A. 17236 of 2024

Swati Baidya
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
...for the petitioner

Mr. Ratul Biswas
Mr. Tapas Kr. Mondal
..for the State

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

Petitioner has come up with the writ petition
praying for sanction of postgraduate scale of pay on
acquiring postgraduate qualification in Geography which
is her relevant subject of teaching. Petitioner was initially
appointed as an assistant teacher of Geography on 30th
January, 2004 with honours scale of pay. Petitioner took
transfer and is presently serving as an assistant teacher
in Polerhat High School (H.S.), District South 24
Parganas.

It has been submitted that the petitioner took
admission in M.Sc Geography course prior to joining the
post of assistant teacher on 30th January, 2004 in
Chhatrapati Shahu Ji Maharaj University, Kanpur.
According to the petitioner course was conducted in
D.A.V College, Kanpur and the petitioner was student of

said college in M.Sc Geography course. In support of the admission which petitioner took in D.A.V. College, Kanpur in M.Sc Geography course documents are annexed at pages 29 and 30 of the writ petition. Since petitioner has completed the higher course of studies in 2005 on joining the post of assistant teacher in Polerhat High School she is claiming sanction of postgraduate scale of pay.

State-respondents is represented by learned advocate who has submitted that the issue may be relegated to the concerned District Inspector of Schools for taking decision in accordance with law.

Petitioner is granted leave to make a comprehensive representation to the District Inspector of Schools (SE), South 24 Parganas being respondent no. 3 by fortnight from date claiming sanction of postgraduate scale of pay in her favour enclosing all the necessary documents relating to taking admission in M.Sc course in D.A.V. College, Kanpur and mark sheets in support of acquiring higher qualification along with other relevant documents relating to the service rendered by the petitioner as an assistant teacher. If such representation is made within the aforesaid time the respondent no. 3 is directed to take decision on receipt of such representation by 8 (eight) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner and the present school authority

or their representatives. While taking decision the respondent no. 3 shall take note of the decision of the Special Bench dated 7th February, 2024 and other judgments of the Hon'ble Division Bench.

However, it is made clear that before taking decision the respondent no. 3 shall make an enquiry in order to find out whether the postgraduate qualification in Geography which the petitioner has obtained from Chhatrapati Shahu Ji Maharaj University, Kanpur is recognized qualification or not. The decision to be taken by the respondent no. 3 shall be communicated to the petitioner within 1 (one) week thereafter.

With the aforesaid directions the writ petition stands disposed of

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)