

ML 37
06.08.2024
Ct. No. 18
adeb

W.P.A. 17094 of 2022

**Utpalendu Chakraborty
Vs.
The State of West Bengal & Ors.**

Mr. Dwarika Nath Mukherjee
Mr. Pradip Kr. Ghosh

...for the petitioner

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

In spite of service of notice respondents are not represented.

Petitioner prays for sanction of postgraduate scale of pay on acquiring M.Sc. degree in Physics from Burdwan University. Petitioner was appointed initially with effect from 3rd April, 2006 being an assistant teacher in Science and Mathematics group and was sanctioned honours graduate scale of pay. It has been submitted by the learned advocate representing the petitioner that at the time of joining the post on 3rd April, 2006 petitioner completed Part-I examination of postgraduate course and after his joining Part-II final examination ended on 5th August, 2006. According to the petitioner the result of Part-II examination was published on 12th September, 2006. Subsequently petitioner joined another school with effect from 17th December, 2014 but still he was sanctioned honours graduate scale of pay.

Petitioner made a representation addressed to the District Inspector of Schools (SE) Purba Bardhaman being respondent no. 3 seeking sanction of postgraduate scale of pay in consideration of his higher qualification.

Having considered the submission made on behalf of the petitioner the writ petition stands disposed of directing the respondent no. 3 to take decision on the representation of the petitioner which is at page 37 of the writ petition by 8 (eight) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative. The reasoned decision to be passed by the respondent no. 3 shall be communicated to the petitioner by 1 (one) week thereafter.

It is made clear that while taking decision petitioner shall follow the decision 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.)** and the judgment of the Hon'ble Special Bench dated 7th February, 2024 wherein the ratio of **Adeel Uz Zaman** (supra) has been affirmed.

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.)