

Ml- 06.11.2024
88 Ct.18
rkd

W.P.A. 16786 of 2023

Subrata Modak

-vs-

The State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury,
Mr. Babhru Bahan Bera,
Mr. Avishek Chatterjee,
Mr. Puspan Das

....for the petitioner.

Mr. Pankaj Halder,
Md. Ziaur Rahaman

....for the State.

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

The learned advocate for the petitioner submits that in spite of upgrading qualification by acquiring M.Sc. degree in Physics in 2014 higher scale of pay has not been sanctioned in favour of the petitioner.

It is further contended that petitioner was appointed on 16th December, 2013 as an Assistant Teacher in Science Group and was sanctioned Hons. graduate scale of pay. In support of the same approval of appointment accorded to the petitioner vide memo dated 12th February, 2014 by the Additional District Inspector of Schools (SE), Basirhat Sub-Division, North 24 Parganas is relied upon wherefrom it appears that petitioner was

sanctioned Hons. graduate scale of pay.

At the time of petitioner's appointment it is submitted that he was undergoing postgraduate course in the relevant subject therefore he did not get opportunity to obtain requisite permission from the concerned District Inspector of Schools (SE).

In this regard reliance is placed on a 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.) dated 11th February, 2021. It is also submitted that the ratio of Adeel Uz Zaman (supra) has been affirmed by the Hon'ble Special Bench vide judgment dated 7th February, 2024 passed on a batch of matters first one being WPA 9921 of 2007 (Utpal Kanti Karan -vs- State of West Bengal & Ors.).

State respondents are represented by learned advocate who has submitted that since a representation has been made on 26th June, 2023, same be considered by the concerned State authority in accordance with law.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of directing the District Inspector of Schools (SE), North 24 Parganas being respondent

no.4 to take decision on the claim of the petitioner seeking sanction of postgraduate scale of pay by passing a reasoned order after granting opportunity of hearing to the petitioner or his representative.

Such exercise shall be completed by the respondent no.4 by eight weeks from the date of communication of this order and the decision shall be communicated to the petitioner by one week thereafter.

It is made clear while taking decision the respondent no.4 shall follow ratio of Adeel Uz Zaman (supra) which has been affirmed by Hon'ble Special Bench vide judgment dated 7th February, 2024.

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.)