

24.07.2024
Ct. No. 18
Sl. No. 13
tbsr

WPA 17900 of 2024

Kamaluddin Laskar
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Syed Mansur Ali
....for the petitioner

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
....for the State

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

The writ petition is heard in presence of the
learned advocates representing the petitioner and the
State respondents. Grievance of the petitioner is failure
on the part of the State respondents to sanction post
graduate pay scale on acquiring higher qualification in
the relevant subject of teaching of the petitioner.

The learned advocate for the petitioner submits
that the petitioner was appointed on 23rd August, 2010
as an Assistant Teacher in a government aided Madrasah
and he was sanctioned honours graduate scale of pay. It
is has been submitted that at the time of joining the post
the petitioner completed M.Sc. Part-I course and after
joining the petitioner completed M.Sc. Part-II
examination in 2012.

It is the contention of the petitioner that at the time of joining since he completed Part-I M.Sc. course he is not required to obtain prior permission from the concerned District Inspector of Schools for enrolling himself in higher course of studies as decided by the Hon'ble Division Bench in *Adeel Uz Zaman Vs. State of West Bengal and others in MAT 825 of 2020*. It is also submitted that ratio of *Adeel Uz Zaman (supra)* has been affirmed by the Hon'ble Special Bench vide judgment dated 7th February, 2024.

State respondents are represented by learned advocate who has made submission that in the event direction is given upon the concerned District Inspector of Schools steps shall be taken in accordance with law for considering grant of post graduate scale of pay in favour of the petitioner.

Having considered the submissions made on behalf of the parties the writ petition stands disposed of granting leave to the petitioner to make a comprehensive representation to the District Inspector of Schools (SE), South 24 Parganas by fortnight from date claiming sanction of post graduate scale of pay. If such representation is made by the petitioner within the aforesaid time, the concerned District Inspector of Schools (SE), South 24 Parganas being the respondent no. 3 is directed to take decision on the claim of the

petitioner by eight weeks from the date of receipt of such representation after granting opportunity of hearing to the petitioner or his representative. The respondent no. 3 is required to pass a reasoned order and while considering the claim of the petitioner, the decision of the Hon'ble Division Bench in *Adeel Uz Zaman (supra)* as well as the decision of the Hon'ble Special Bench dated 7th February, 2024 shall be taken into consideration.

The decision of the respondent no. 3 shall be communicated to the petitioner by one week thereafter.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)