

ML 96
12.11.2024
Ct. No. 18
adeb

W.P.A. 17696 of 2023

Sukamal Dey
Vs.
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra

...for the petitioner

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

In spite of service of notice no one appears for the respondents.

In the writ petition decision of the Commissioner of the School Education, West Bengal as contained in memo dated 2nd June, 2023 is under challenge whereby prayer of the petitioner to get the benefit of higher scale of pay for acquiring higher qualification being librarian of a Government aided school has been spurned.

Learned advocate representing the petitioner submits that he was appointed as librarian in a Government aided recognized school with effect from 10th May, 2008 with academic qualification of B.Sc., B.Lib and pay of the petitioner was fixed in the scale of Rs. 4500/--9700/-. Petitioner obtained postgraduate qualification in Library and Information Science (for

short M.Lis) from Indira Gandhi National Open University (IGNOU) in 2011 and thereafter prayed for sanction of postgraduate scale of pay.

Petitioner first filed a writ petition being WPA 4623 of 2022 and same was disposed of by order dated 2nd February, 2023 by a coordinate Bench directing the concerned State-respondent to decide the representation of the petitioner seeking higher scale of pay. In terms of the order dated 2nd February, 2023 Commissioner of school education has passed order as contained in memo dated 2nd June, 2023 thereby rejecting the claim of the petitioner for sanctioning postgraduate scale of pay in terms of Revision of Pay and Allowance Rules 2009 since there is no provision in ROPA 2009 Rules to sanction higher scale of pay in favour of a librarian on acquiring higher qualification after appointment. It is observed in the order dated 2nd June, 2023 that in ROPA 1998 such provision was there to sanction higher scale of pay in favour of a librarian for acquiring higher qualification but in subsequent ROPA Rules i.e. ROPA 2009 such provision is absent thereby petitioner has no right to pray for postgraduate scale of pay on acquiring M.Lis degree.

Having perused the decision of the Commissioner of School Education this Court finds substance since petitioner was appointed as librarian on 10th May, 2008 with academic qualification of B.Sc., B.Lib and pay of the

petitioner was accordingly fixed as per ROPA 2009. In absence of relevant provisions in ROPA 2009 there is no scope left open to the State-respondents to sanction postgraduate scale of pay in favour of the petitioner for acquiring M.Lis qualification in 2011.

Hence, the writ petition stands dismissed.

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.)