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W.P.A. 18472 of 2024

Rathindra Nath Sardar

-vs-

The State of West Bengal & Ors.

Mr. Firdous Samim

Ms. Gopa Biswas

Ms. Payel Shome

Mr. Arijit Kar

....for the petitioner.

Mr. Biswabrata Basu Mallick

Ms. Oindrila Chatterjee

....for the State.

In the writ petition the decision of the District Inspector of Schools (S.E.), Kolkata as contained in the e-mail letter dated 2nd January, 2024 is under challenge whereby prayer of the petitioner for according postgraduate scale of pay was spurned.

Mr. Samim, learned advocate representing the petitioner submits that the petitioner was appointed as Assistant Teacher in Geography with educational qualification B.Sc (Hons.) in Geography on and from 9th February, 2004 in Bhabataran Sarkar Bidyalaya.

From the date of petitioner's appointment he was granted Hons. Graduate scale of pay. Prior to his joining the post of Assistant Teacher petitioner completed Part-I examination of M.Sc. in

Geography in the year 2003 and subsequently he completed postgraduate course on appearing in M.Sc. (Geography) Part-II Examination in the year 2004.

It has been submitted on behalf of the petitioner that on an identical issue a judgment was delivered by the Hon'ble Division Bench in ***Adeel Uz Zaman -vs- The State of West Bengal & Ors. in MAT 825 of 2020 dated 11th February, 2021.***

According to the petitioner since the Hon'ble Division Bench in ***Adeel Uz Zaman*** (supra) has decided that in the event the candidate joins the post with Hons. graduate scale of pay at the time when the said candidate has completed a part of higher course of studies for obtaining post graduation degree in the relevant subject of teaching the prescription as contained in the relevant circulars to obtain permission from the concerned District Inspector of Schools to undergo higher course of studies, is not warranted.

It has also been submitted that the ratio of ***Adeel Uz Zaman*** (supra) has already been approved by the Special Bench in the judgment dated 7th February, 2024.

Mr. Basu Mallick, learned Additional

Government Pleader represents the State respondents who has made submission to defend the decision taken by the concerned District Inspector of Schools in the e-mail letter dated 2nd January, 2024.

Having considered the submissions made on behalf of the parties and on perusal of the impugned e-mail letter dated 2nd January, 2024 issued by the District Inspector of Schools (S.E.) Kolkata, it appears that no cogent reason has been assigned by the concerned District Inspector of Schools while refusing to grant prayer of the petitioner for sanctioning postgraduate scale of pay. At first blush it appears that the order is cryptic and devoid of reasons. The concerned District Inspector of Schools being an administrative authority is required at least to give brief reasons indicating as to why petitioner is not entitled to receive postgraduate scale of pay. It is well known by this time by the officials in the Education Department, Government of West Bengal that the issue relating to grant of postgraduate scale of pay in favour of a teacher who is in receipt of honours graduate scale of pay on his joining at the time when he has completed part of his higher course of studies for obtaining postgraduate qualification in

the relevant subject, has been set at rest by the judgment delivered in ***Adeel Uz Zaman*** (supra). View expressed by the Hon'ble Division Bench in ***Adeel Uz Zaman*** (supra) has also been affirmed by the judgment of the Hon'ble Special Bench dated 7th February, 2024 passed on batch of matters first one being **WPA 9921 of 2007 (Utpal Kanti Karan Vs. State of West Bengal & Ors.)**. Therefore, the concerned District Inspector of Schools while taking decision on the claim of the petitioner to grant higher scale of pay, was bound to follow the aforesaid view expressed by the Hon'ble Court regarding sanction of postgraduate scale of pay.

It transpires on looking at the impugned e-mail letter dated 2nd January, 2024 that in casual manner the claim of the petitioner has been frustrated which is deprecated with a note of caution to the said District Inspector of Schools that in the event if such action is recurred it would be viewed seriously by the Court.

In view of the above discussion, the impugned e-mail letter dated 2nd January, 2024 issued by the concerned District Inspector of Schools (S.E.), Kolkata stands set aside.

The concerned District Inspector of Schools being respondent no.5 is directed to grant

postgraduate scale of pay to the petitioner from the date of publication of the result of M.Sc. Part-II Examination within a period of four weeks from the date of communication of this order.

Accordingly, the writ petition stands allowed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)