

17 31.07.2024
rkd Ct.18

W.P.A. 18611 of 2024

Utpal Kumar Pandit

-vs-

The State of West Bengal & Ors.

Mr. Dwarika Nath Mukherjee,
Mr. Pratip Kumar Ghosh

....for the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterje

....for the State.

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

Matter relates to sanction of postgraduate
scale of pay for acquiring postgraduate qualification
in the relevant subject of teaching.

The learned advocate for the petitioner
submits that petitioner was appointed as an
Assistant Teacher with qualification of B.A. Hons.
in English on and from 3rd October, 1997. It is also
submitted that from date of appointment of the
petitioner he has been receiving Hons. graduate
scale of pay. Subsequently, petitioner enhanced
educational qualification of M.A. in English upon
qualifying Part-II M.A. Examination in 2001 from
Burdwan University through correspondence
course.

It is also submitted that leave has been

sanctioned in favour of the petitioner by the concerned authority of the West Bengal Board of Secondary Education vide memo dated 14th February, 2006 for participating in M.A. Part-I examination. Petitioner prays for sanction of postgraduate scale of pay.

State respondents are represented by learned advocate who submits that there is necessity to make a deliberation afresh before the District Inspector of Schools (S.E.), Hooghly being respondent no.3 for taking decision in accordance with law.

Having considered the submissions made on behalf of the parties, the writ petition stands disposed of thereby granting leave to the petitioner to make a comprehensive representation before the respondent no.3 by fortnight from date.

If such representation is made within the aforesaid time the respondent no.3 shall take decision by eight weeks from the date of receiving representation after granting opportunity of hearing to the petitioner and the school authority where the petitioner is working.

The reasoned decision to be taken by the respondent no.3 shall be communicated to the parties by one week thereafter.

However, it is made clear that at the time of taking decision the respondent no.3 shall follow the observations made by Hon'ble Special Bench in the judgment dated 7th February, 2024 passed on a batch of matter first one being WPA 9921 of 2007 (Utpal Kanti Karan -vs- State of West Bengal & Ors.)

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.)