

19.08.2024
rc/ct.no.18
Item No.11

WPA No. 19708 of 2024
Subrata Malakar
Versus
The State of West Bengal & Ors.

Mr. K.C.Das
Mr. Arindam Ghosh ..for the petitioner

Mr. Supriyo Chattopadhyay
Mr. Manoj Kumar Mandal ... for the State

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

The matter relates to grant of post graduate scale of pay in favour of the petitioner who is working as an Assistant Teacher and presently enjoying honours graduate scale of pay.

Learned advocate appearing for the petitioner submits that the petitioner was appointed as an Assistant Teacher with honours graduate scale of pay with effect from May 05, 2003 on the recommendation being made by the concerned authority of the West Bengal School Service Commission. At the time of joining of the petitioner he was undergoing higher course of studies for obtaining master degree in English being relevant subject of teaching. Petitioner completed post graduate course in 2004 from Rabindra Bharati University and last date of examination of the petitioner was August 09, 2004. Petitioner prays for sanction of post graduate scale of pay.

State respondents are represented by the learned advocates who submits that since no decision has been taken by the authority let opportunity be given to the concerned State respondents to decide the claim of the petitioner.

Having considered the submission made by the learned counsel appearing on behalf of both the parties the writ petition stands disposed of directing the District Inspector of School (SE), Hooghly, being respondent no. 3 to decide the entitlement of the petitioner to receive post graduate scale of pay by passing a reasoned order by 8 weeks from the date of communication of this order. Before taking decision the petitioner shall be afforded opportunity of being heard. The decision to be taken by the respondent no. 3 shall be communicated to the petitioner by one week thereafter.

It is made clear that while taking decision the respondent no. 3 shall follow the ratio decided by the Hon'ble Division Bench in **Adeel Uz Zaman Vs. The State of West Bengal & Ors.** in **MAT No. 825 of 2020** wherein judgment was delivered on February 11, 2021. The ratio of Adeel Uz Zaman (supra) was affirmed by the Hon'ble Special Bench vide a judgment dated February 07, 2024.

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 usual undertakings.

(Saugata Bhattacharyya,J)