

S/L 32
15.05.2024
Court. No. 551
Suvayan

**WPA 20563 of 2021
With
CAN 1 of 2023**

**Sitaram Bag
Vs.
The State of West Bengal & Ors.**

Mr. Sk. Sahjahan Ali

...for the petitioner.

*Mr. Pinaki Dhole
Mr. Avishek Prasad*

...for the State.

1. Heard.
2. Learned Advocate for the petitioner and learned Advocate for the State is present.
3. In considered view of this Court the instant writ petition can be disposed of without exchanging affidavits.
4. On consent of both the parties the instant writ petition is taken up for hearing.
5. By filing the instant writ petition it has been contended by the petitioner that the writ petitioner's name was recommended for the post of Assistant Teacher in Mathematics (Hons./P.G.) in H.S. Section of Baruipara Rakhal Vidyapith, District – Hooghly and pursuant to such recommendation the writ petitioner joined in the said school and in the said post on April 6, 2005.
6. It is the further case of the petitioner that prior to such joining, in the month of March, 2003 the petitioner took admission in M.Sc., Mathematics

course for the session 2003-05 in the University of Burdwan and prior to his joining the said school and the said post he had completed his Part – I examination in such M.Sc., Mathematics course. It is the further case of the petitioner that subsequent to the joining in the said school the petitioner with the approval of the managing committee of the said school appeared in the final examination of the M.Sc., Mathematics and obtained his Master degree in mathematics from the University of Burdwan in the year 2005.

7. It has been contended further that after completion of his Master degree in Mathematics the petitioner requested the Secretary of the Managing Committee of the said school as well as the headmaster of the said school for taking appropriate steps for grant of higher scale of pay and in accordance with such request the said Secretary and headmaster duly forwarded the representation of the writ petitioner together with a favourable recommendation to the D.I. of Schools (S.E.), Hooghly for its consideration but unfortunately, the said D.I. of School that is respondent No. 3 herein is sitting tight over the matter and had not taken any steps as yet.
8. In course of hearing, learned Advocate for the petitioner draws attention of this Court to the judgment dated February 7, 2024 as passed by a Larger Bench of this Court in WPA 9921 of 2007 with WPA 303 of 2023 with FMA 125 of 2022 with FMA

143 of 2022 with FMA 2688 of 2007 with FMA 387 of 2020 with FMA 557 of 2007 with FMA 583 of 2006 with FMA 584 of 2006 with FMA 585 of 2006 with MAT 421 of 2022 with WPA 10273 of 2016 with WPA 12414 of 2008 with WPA 12419 of 2008 with WPA 12420 of 2008 with WPA 13060 of 2004 with WPA 14890 of 2001 with WPA 15736 of 2013 with WPA 16707 of 2004 with WPA 2364 of 2007 with WPA 26423 of 2007 with WPA 29710 of 2013 with WPA 4698 of 2016. Attention of this Court is drawn to Clause (g) of the internal page No. 186 of the said judgment which runs thus:

“(g) If a teacher has partially completed higher study before entering service he/she would come under purview of G.O. No. 1595-SE(S) dated 26th December, 2005 and the question of taking permission from DIS-SE concerned would not arise.”

9. It is submitted that in view of the aforesaid finding of the Larger Bench of this Court the present writ petitioner is entitled to get higher scale of pay. On perusal of the petition under consideration and the full Bench decision of this Court dated February 7, 2024 as passed in WPA 9921 of 2007 with WPA 303 of 2023 with FMA 125 of 2022 with FMA 143 of 2022 with FMA 2688 of 2007 with FMA 387 of 2020 with FMA 557 of 2007 with FMA 583 of 2006 with FMA 584 of 2006 with FMA 585 of 2006 with MAT 421 of 2022 with WPA 10273 of 2016 with WPA 12414 of

2008 with WPA 12419 of 2008 with WPA 12420 of 2008 with WPA 13060 of 2004 with WPA 14890 of 2001 with WPA 15736 of 2013 with WPA 16707 of 2004 with WPA 2364 of 2007 with WPA 26423 of 2007 with WPA 29710 of 2013 with WPA 4698 of 2016 this Court disposes the instant writ petition directing the respondent No. 3, D.I. of Schools (S.E.), Hooghly to consider the instant writ petition as a representation of the writ petition in the light of the aforesaid full bench decision of this Court as passed on February 7, 2024 after giving a fair chance of hearing either to the petitioner or to his learned Advocate.

10. The said D.I. of Schools (S.E.), Hooghly is directed to pass a reasoned order on the representation of the writ petitioner positively within three months from the date of communication of this order.
11. The respondent No. 3, D.I. of Schools (S.E.), Hooghly is further directed to act on the server copy of this order and he is also directed to communicate his reasoned order positively within a week from the date of passing of such order to the writ petitioner either by speed post or through email, if the writ petitioner provides his email account details to the respondent No. 3 in writing.
12. All parties to act on the server copy of this order duly downloaded from the official website of this Court.

13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)