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22.08.2024
Ct. No. 18
adeb

W.P.A. 20287 of 2024

**Sajahan Ali Molla
Vs.
The State of West Bengal & Ors.**

Mr. Sukumar Ghosh
Mr. Sandip Ghosh
Ms. Moumita Ghosh
...for the petitioner
Mr. Kunal Ganguly
...for the Board
Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
...for the State

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

Petitioner claims postgraduate scale of pay by
instituting this writ petition on 8th August, 2024.
Learned advocate for the petitioner submits that
petitioner was granted approval of appointment being an
organizing teacher vide memo dated 27th February, 2017
issued by the District Inspector of Schools (SE) South 24
Parganas with effect from 17th February, 2004. It is also
submitted that petitioner was granted pass graduate
scale of pay from the date of his joining and the
educational qualification of the petitioner which was
indicated in the approval memo is B.Com (Pass).
Petitioner acquired postgraduate qualification in 1998 in
Islamic History and claims sanction of postgraduate
scale of pay.

The prayer of the petitioner is opposed by Mr. Supriyo Chattopadhyay, learned Additional Government Pleader first on the count of delay in approaching this Court seeking sanction of postgraduate scale of pay. It has been submitted that though petitioner retired on superannuation on 31st January, 2015 and post facto approval was granted by the concerned District Inspector of Schools (SE) vide memo dated 27th February, 2017 but he has approached this Court precisely after seven years claiming postgraduate scale of pay. In addition thereto, it is also submitted that since the subject in which petitioner obtained higher qualification is not his relevant subject of teaching and petitioner was sanctioned pass graduate scale of pay. Therefore, prayer of the petitioner may not be allowed.

Having considered the respective submissions made on behalf of the parties this Court finds that treating the petitioner as an organizing teacher the concerned District Inspector of Schools (SE) South 24 Parganas granted post facto approval of appointment in favour of the petitioner with effect from 17th February, 2004 in consideration of petitioner's educational qualification of B.Com (Pass) and petitioner was sanctioned pass graduate scale of pay. Petitioner obtained postgraduate qualification in Islamic History in 1998 but the same was not taken into consideration by the concerned District Inspector of Schools while

approving the appointment of the petitioner. A teacher appointed under pass graduate category is not eligible to pray for sanction of postgraduate scale of pay for acquiring higher qualification in a subject which is not his relevant subject of teaching.

Accordingly, 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.)