

Court No. 18
(265704)

22.08.2024

(AD 14)

(S. Banerjee)

WPA 20615 of 2024

Biswajit Biswas

Vs.

State of West Bengal & Ors.

Mr. Taraprasad Haldar

...for the petitioner

Mr. Arindam Chattopadhyay

Ms. Lipika Chatterjee

...for the State

Ms. Saswati Chatterjee

...for the WBBSE

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

By presenting this writ petition challenge has
been thrown to a memo dated 8th June, 2015 issued
by the District Inspector of Schools (SE), Barrackpore,
North 24 Parganas whereby prayer of the petitioner
for sanctioning post-graduate scale of pay was
spurned.

Learned advocate representing the petitioner
places reliance on the prior permission issued by the
concerned District Inspector of Schools (SE) vide
memo dated 28th February 1996 in support of the
case made out in this writ petition by the petitioner.
According to the petitioner, since prior permission
was accorded for appointment of one Assistant

Teacher in Science and Mathematics group and petitioner has acquired higher qualification of M.Sc. in Mathematics from Netaji Subhas Open University in the year 2006, he is entitled to get the benefit of post-graduate scale of pay. Petitioner prays for issuance of Mandamus upon the concerned respondent authorities thereby directing them to sanction higher scale of pay.

The State-respondents and the West Bengal Board of Secondary Education are represented by learned advocates.

Mr. Chatterjee, learned advocate representing the State-respondents has opposed the prayer of the petitioner for sanctioning post-graduate scale of pay since petitioner's initial appointment was as Assistant Teacher having B.Sc. degree and was sanctioned pass-graduate scale of pay. In support of such submission, attention of this Court has been drawn to the approval memo issued by the concerned District Inspector of Schools vide memo dated 20th January, 1998. In addition thereto, reliance has also been placed on the relevant provision of the West Bengal Schools (Control of Expenditure) Act, 2005.

Having considered the submissions made on behalf of the parties, this Court finds that petitioner

was appointed as an Assistant Teacher under pass-graduate category vide approval memo dated 20th January, 1998 as accorded by the concerned District Inspector of Schools and has been drawing salary in pass-graduate scale of pay. Petitioner subsequently enhanced academic qualification by obtaining Master's degree in Mathematics from Netaji Subhas Open University and the last date of final examination of M.Sc. Mathematics was 31st December, 2006. Considering the date of acquiring higher qualification, Section 14(2) of the West Bengal Schools (Control of Expenditure) Act, 2005 applies wherein it has been specifically provided that a teacher under pass-graduate category, is not entitled to receive any additional increment or higher scale of pay for acquiring any qualification other than the qualification specified for such post.

In the present case it appears from the prior permission memo dated 28th February, 1996 and the approval memo dated 20th January, 1998 which was accorded in faovur of the petitioner that the post was meant for a candidate having pass-graduate qualification and petitioner was appointed under pass-graduate category having B.Sc. degree. Subsequently when petitioner obtained post-graduate qualification in the year 2006, by that time West

Bengal Schools (Control of Expenditure) Act, 2005 was promulgated, therefore, Section 14(2) of the said Act of 2005 squarely applies.

In view of aforesaid discussion, this Court is not inclined to interfere with the order passed by the concerned District Inspector of Schools (SE), Barrackpore as contained in memo dated 8th June, 2015.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copies, if applied for, be issued to the parties on compliance of requisite formalities.

(Saugata Bhattacharyya, J.)