

06.12.2024.
PB
Sl. No.3.
Ct. No.25.

WPA 21081 of 2021

Rajesh Mandal
Vs.
The State of West Bengal & Ors.

Mr. Saktipada Jana.
... For the Petitioner.

Mr. Biswabrata Basu Mallick.
.....for the State.

Since the issue involved in this writ petition that is grant of higher scale of pay to the writ petitioner, who has joined in service after being enrolled in the Masters Degree Course and subsequently, no permission of the respondent D.I. was obtained by him, has already been settled by dint of the Larger Bench judgment of this Court reported in 2024 SCC Online Cal 1274 (Utpal Kanti Karan Vs. State of West Bengal & Ors.). The Court finds it proper to dispose of the present writ petition in the light of the observations made by the Hon'ble Larger Bench in the said judgment.

Let the relevant paragraph be quoted:-

“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”.

The impugned order of the District Inspector of Schools (S.E.), Purulia, dated August 17, 2021, in which the said respondent has turned down the petitioner’s prayer for grant of pay scale for Post-Graduate candidates in terms of paragraph 3 of Notification No.593-SE(B) dated November 27, 2007, appears to be not maintainable, in case of the writ petitioner.

In view of the verdict of the Hon’ble Larger Bench as quoted above, the reason as above in the impugned order is found to be not applicable. Thus, the order as made, is found to be based on erroneous considerations and wrongful application of the Government Notification in case of the writ petitioner. The same is illegal and liable to be set aside.

On the premise, as above, let the writ petition be disposed of by directing as follows:-

- i) The impugned order dated August 16, 2021 is set aside.
- ii) The District Inspector of Schools (SE), Purulia, is directed to take appropriate steps for grant of higher scale of pay to the writ petitioner in accordance with law settled, as mentioned above and refixation of pay of the petitioner from a date as per the settled law.

Let the entire exercise, as above, be concluded by the respondent, within a period of three weeks of the date of communication of copy of this order.

The writ petition is disposed of.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)