

W.P.A. 22798 of 2024

**Sanaka Hansda
Vs.
The State of West Bengal & Ors.**

Mr. Shamim ul Bari
Ms. Jhilik Singha
...for the Petitioner

Mr. Dipanjan Datta
Mr. Sayan Datta
...for the State

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

Matter relates to sanction of postgraduate scale of pay in favour of the petitioner who was initially appointed as an assistant teacher in Political Science in Government aided higher secondary school with effect from 9th February, 2004. It is submitted by the learned advocate representing the petitioner that after her appointment she obtained postgraduate qualification in Political Science from Burdwan University and the last date of M.A. Part-II examination was 16th September, 2004. It is contended on behalf of the petitioner that since petitioner was undergoing higher course of study at the time of her appointment on 9th February, 2004 she was not required to obtain prior permission as contemplated under the relevant Government Order dated 27th November, 2007. In this regard petitioner has

relied upon judgment of the Hon'ble Division Bench passed in ***Adeel Uz Zaman -vs- The State of West Bengal & Ors. in MAT 825 of 2020.***

State-respondents are represented by learned advocate who has submitted that since no decision has yet been taken by the concerned State authority let the issue be relegated to the concerned District Inspector of Schools (SE) Purulia for taking decision.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of directing the District Inspector of Schools (SE) Purulia being respondent no. 3 to decide the entitlement of the petitioner to receive postgraduate scale of pay by 8 (eight) weeks from the date of communication of this order. Before taking decision opportunity of hearing shall be granted to the petitioner or her representative and the respondent no. 3 shall pass a reasoned order. While taking decision respondent no. 3 shall follow the ratio decided in ***Adeel Uz Zaman (supra)*** by the Hon'ble Division Bench and the judgment dated 7th February, 2024 delivered by the Hon'ble Special Bench.

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.)