

22.04.2024
(M/L-267)
Ct.-18
(P. Jana)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 22643 of 2023

Sayak Bhandari

-Vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das,
.... For the Petitioner.

Mr. Bibekananda Tripathy,
Mr. Kaustav Chatterjee, ...For the State.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The petitioner is an Assistant Teacher at Parjana Junior High School, District: 24 Parganas (South) of the subject 'English'.

The petitioner, on enhancement of his qualification in the relevant subject, applied for higher scale of pay.

The District Inspector of Schools (SE), District: South 24 Parganas, the respondent no. 3 herein by the order impugned dated June 09, 2017 has rejected the said prayer of the petitioner on the ground that petitioner did not take prior permission from the said respondent in enhancing his said qualification.

Mr. Jana, learned counsel for the petitioner, submits that the petitioner, at the time of joining in the service, was pursuing his Post Graduate Degree, therefore, no situation to take such prior permission arose.

Mr. Tripathi, learned advocate for the State submits that the West Bengal Schools (Control of Expenditure) (Amendment) Act, 2016 puts a bar to the said claim of the petitioner.

Mr. Jana, submits that the petitioner had completed his Post graduate degree prior to the said amendment Act coming into

force, besides in view of different pronouncements of this Court, the issue is no longer *res integra*.

The respondent no. 3 was not apprised of the judgments of this Court on the issue, as such the order impugned is set aside for a fresh decision on the prayer of the petitioner in the light of the said judgments.

The respondent no. 3, within a period of six weeks from the date of communication of this order, shall re-consider the prayer of the petitioner, after giving him opportunity of hearing.

The petitioner, at the time of hearing, shall place all relevant judgments of this Court as well as the relevant Government Orders.

WPA 22643 of 2023 is thus **disposed of** with the above terms without any order as to costs.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)