

ML 154
26.11.2024
Ct.18
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W.P.A. 22667 of 2023

**Pratik Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Anirban Sarkar

...for the petitioner

Mr. Gaurav Das
Ms. Rajyashree Mykherjee

...for the State

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

In the writ petition decision of the District
Inspector of Schools (S.E.), Purba Bardhaman as
contained in memo dated 6th June, 2023 is under
challenge whereby prayer of the petitioner for
according postgraduate scale of pay was spurned.

Learned advocate representing the
petitioner submits that petitioner was appointed as
Assistant Teacher in Mathematics with educational
qualification B.Sc (Hons.) on and from 30th July,
2010 in Komarpur Gokul Chandra High School,
District-Purba Bardhaman.

From the date of petitioner's appointment
he was granted Hons. Graduate scale of pay. Prior
to his joining the post of Assistant Teacher
petitioner completed studies under 1st Semester

and 2nd Semester and passed examinations at the end of those two Semesters. Previously, petitioner filed writ petition being WPA 19265 of 2021 since his prayer for grant of postgraduate scale of pay was not allowed. The said writ petition was disposed of by a coordinate Bench by order dated 2nd February, 2023 directing the concerned District Inspector of Schools to take decision in accordance with law.

It has been submitted on behalf of the petitioner that on an identical issue a judgment was delivered by the Hon'ble Division Bench in ***Adeel Uz Zaman -vs- The State of West Bengal & Ors. in MAT 825 of 2020*** dated 11th February, 2021.

According to the petitioner since Hon'ble Division Bench in ***Adeel Uz Zaman*** (supra) has decided that in the event the candidate joins the post with Hons. graduate scale of pay at the time when the said candidate has completed part of higher course of studies for obtaining post graduate degree in the relevant subject of teaching the requirement to obtain permission from the concerned District Inspector of Schools to undergo higher course of studies, is not warranted.

It has also been submitted that ratio of **Adeel Uz Zaman** (supra) has already been affirmed by the Hon'ble Special Bench in the judgment dated 7th February, 2024.

Learned advocate representing the State-respondents has made submission to defend the decision taken by the concerned District Inspector of Schools in the memo dated 6th June, 2023.

Having considered the submissions made on behalf of the parties and on perusal of the impugned memo dated 6th June, 2023 issued by the District Inspector of Schools (S.E.) Purba Bardhaman, it appears that the prayer of the petitioner for grant of postgraduate scale of pay was turned down since permission was not obtained from the concerned District Inspector of Schools before enrolling his name for higher course of studies.

The issue of obtaining permission from the concerned District Inspector of Schools in terms of relevant Circulars is no more *res integra* in view of the ratio of **Adeel Uz Zaman** (supra) as decided by the Hon'ble Division Bench and the ratio of the judgment is applicable considering the fact that at the time of joining the post in the present case on 30th July, 2010 petitioner completed 1st Semester

and 2nd Semester.

It is also required to be recorded herein that the view expressed by the Hon'ble Division Bench in ***Adeel Uz Zaman*** (supra) has been approved by the Hon'ble Special Bench in the judgment dated 7th February, 2024.

In view of the above discussion, the impugned memo dated 6th June, 2023 issued by the concerned District Inspector of Schools (S.E.), Purba Bardhaman stands set aside.

The concerned District Inspector of Schools being respondent no.3 is directed to grant postgraduate scale of pay to the petitioner from the date of publication of the result of M.Sc. Part-II Examination within a period of 4 (four) weeks from the date of communication of this order.

Accordingly, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)

