

08.08.2024
Court No. 18
Item No.76 (ML)
(**Suvendu**)

WPA 23118 of 2022

Shipal Kumar Biswas
-Versus-

State of West Bengal & Ors.

Mr. Ujjal Ray

.....for petitioner

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

Petitioner has come up with this writ petition, *inter alia*, praying for sanction of postgraduate scale of pay on acquiring higher qualification in the relevant subject of teaching. Petitioner was appointed as an Assistant Teacher in a Government aided school on 30th June, 2006 and Honours Graduate scale of pay was sanctioned. Petitioner is an Assistant Teacher in English and at the time of joining the post he completed M.A. Part I course. Subsequently petitioner passed M.A. Part II examination in 2006. Petitioner prays for sanction of postgraduate scale of pay due to acquiring postgraduate qualification in English. In support of such contention, petitioner has relied upon a judgment 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. It is also submitted that the ratio of **Adeel Uz Zaman** has been affirmed by the Hon'ble Special Bench in the judgment dated 7th February, 2024.

State respondents are represented by learned advocate who submits that if necessary direction is given upon the concerned authority, decision shall be taken in accordance with law.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of granting leave to petitioner to make a representation to the District Inspector of Schools (SE), Nadia, being respondent no. 6 by fortnight from date claiming sanction of postgraduate scale of pay. If such representation is preferred within aforesaid time the respondent no. 6 shall take decision on the claim of petitioner relating to sanction of postgraduate scale of pay by eight weeks from the date of receipt of representation after granting opportunity of hearing to the petitioner or his representative and communicate such decision to the petitioner by one week thereafter.

While considering claim of the petitioner respondent no. 6 shall follow the decision of the Hon'ble Division Bench passed in **Adeel Uz**

Zaman (supra) which has subsequently been affirmed by the Hon'ble Special Bench in the judgment dated 7th February, 2024.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)