

W.P.A. 23701 of 2024

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

Mr. K.C. Das
Mr. Sk. Sahajahan
...for the Petitioner

Mr. Pinaki Dhole
Mr. Avishek Prasad
...for the State

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

Petitioner prays for sanction of postgraduate scale
of pay for acquiring M.Sc degree in Physics from Bengal
Engineering and Science University, Shibpur in 2008. It
has been submitted on behalf of the petitioner that he
was appointed as assistant teacher in Science Group on
8th October, 2007 when he was undergoing higher course
of study for acquiring M.Sc degree in Physics.
Subsequently, he obtained higher qualification in 2008.
Therefore, petitioner is not required to obtain prior
permission from the concerned District Inspector of
Schools (SE) for enrolling himself in higher course of
studies in terms of Government Order dated 27th
November, 2007. In support of such contention petitioner
has relied upon judgment of the Hon'ble Division Bench
dated 11th February, 2021 passed in ***MAT 825 of 2020***

(Md. Adeel Uz Zaman -vs- The State of West Bengal & Ors.) and It is also submitted that the ratio of **Adeel Uz Zaman** (*supra*) has been affirmed by the Hon'ble Special Bench in the judgment dated 7th February, 2024.

Attention of this Court has also been drawn to a letter issued by the Secretary-cum-Headmaster of the school where petitioner is presently serving dated 23rd July, 2018 addressed to the concerned District Inspector of Schools (SE), Nadia for sanction of postgraduate scale of pay. According to the petitioner such letter of the school authority could not yield any result.

State-respondents are represented by learned advocate who submits that the issue needs to be relegated to the concerned District Inspector of Schools (SE), Nadia 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), Nadia 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. Respondent no. 3 shall grant opportunity of hearing to the petitioner and pass a reasoned order and same shall be communicated to the petitioner by 1 (one) week thereafter.

It is made clear that while taking decision respondent no. 3 shall follow the ratio of **Adeel Uz**

Zaman (*supra*) and the decision of the Hon'ble Special Bench dated 7th February, 2024.

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.)