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25.09.2024
Ct. No. 18
adeb

W.P.A. 23688 of 2024

**Golam Md. Sadique
Vs.
The State of West Bengal & Ors.**

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

Mr. Swapan Banerjee
Mr. Barun Chatterjee
...for the State

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

Matter relates to grant of postgraduate scale of pay
in favour of the petitioner who is presently receiving
honours graduate scale of pay for possessing honours
graduate degree in Mathematics. Initial date of
appointment of petitioner as assistant teacher was 14th
February, 2008 and it has been submitted by the learned
advocate representing the petitioner that at the time of
joining the post of assistant teacher he was undergoing
higher course of studies in Netaji Subhas Open
University. According to the petitioner he completed
postgraduate course in 2009. It is further contended that
since at the time of joining the post petitioner was
undergoing higher course study he was not required to
obtain prior permission from the concerned District
Inspector of Schools (SE) for undergoing higher course of

study in terms of Government Circular dated 27th November, 2007. Reliance is placed on the judgment of the Hon'ble Division Bench passed in ***MAT 825 of 2020 in Md. Adeel Uz Zaman –vs- The State of West Bengal & Ors.*** 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.

State-respondents are represented by learned advocate who has submitted that the issue may be relegated to the concerned District Inspector of Schools (SE) 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), Purba Bardhaman being respondent no. 3 to decide the entitlement of the petitioner to receive postgraduate scale of pay for acquiring higher qualification in the relevant subject by 8 (eight) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative. Respondent no. 3 is directed to pass a reasoned order and same shall be communicated to the petitioner by 1 (one) week thereafter. While taking decision respondent no. 3 is directed to follow the ratio decided in ***Adeel Uz Zaman*** (*supra*) 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.)