

17 25.09.2024
rkd Ct.18

W.P.A. 23944 of 2024

Santanu Hait

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Ms. Sudipta Pramanik

....for the petitioner.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi

....for the State.

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

Matter relates to sanction of postgraduate
scale of pay in favour of the petitioner who joined
the post of Assistant Teacher in English on 9th
April, 2001 and obtained postgraduate qualification
in the relevant subject of teaching from Vidyasagar
University through distant mode of education in
2005. The last date of M.A. final examination was
27th October, 2005.

It is contended on behalf of the petitioner
that since petitioner obtained qualification in 2005
which is prior to issuance of Government Order
dated 26th December, 2005 and the subsequent
Government Order dated 27th November, 2007;
therefore petitioner is not required to obtain prior
permission from the District Inspector of Schools

(SE) concerned for enrolling himself in higher course of studies.

Attention of this Court has been drawn to page 27 of the writ petition wherefrom it appears that Teacher-in-Charge of the school where petitioner is serving vide letter dated 17th December, 2019 forwarded the issue to the concerned District Inspector of Schools (SE), South 24 Parganas for taking decision relating to sanction of postgraduate scale of pay.

State respondents are represented by learned advocate who has submitted that the issue needs to be decided by the concerned District Inspector of Schools (SE).

Having considered the submissions made on behalf of the parties the writ petition stands disposed of directing the District Inspector of Schools (SE), South 24 Parganas being respondent no.3 to take decision on entitlement of the petitioner to receive postgraduate scale of pay by eight weeks from the date of communication of this order.

The respondent no.3 shall pass a reasoned decision after granting opportunity of hearing to the petitioner or his representative.

The decision to be taken by the respondent

no.3 shall be communicated to the petitioner by one week thereafter.

While taking decision the respondent no.3 is directed to follow the decision of the Hon'ble Special Bench dated 7th February, 2024.

However, 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.)