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01.10.2024
Ct. No. 18
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W.P.A. 24110 of 2024

**Manas Kumar Bhunia
Vs.
The State of West Bengal & Ors.**

Mr. Kanai Lal Samanta
...for the petitioner

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

Mr. Amlan Kumar Mukherjee
...for the respondent nos. 4 and 5

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

Petitioner prays for sanction of post graduate scale of pay on acquiring M.Sc. degree in Mathematics from Vidyasagar University. Learned advocate representing the petitioner submits that petitioner was appointed on 5th May, 2005 possessing B.Sc. honours degree in Mathematics and was sanctioned honours graduate scale of pay. It is contended that at the time of petitioner's appointment he completed higher course of study for participating in M.Sc. Part-II examination but Part-II examination was not held. The West Bengal Board of Secondary Education vide memo dated 22nd May, 2024 sanctioned leave for participation of the petitioner in M.Sc. Part-II examination which was held in the year 2005.

During course of submission reliance is placed on the judgment of the Hon'ble Division Bench dated 11th February, 2021 passed in ***Md. Adeel Uz Zaman –vs- The State of West Bengal & Ors.*** in intra Court appeal being ***MAT No. 825 of 2020.*** It is also submitted that the ratio of ***Md. Adeel Uz Zaman (supra)*** has been affirmed by the Hon'ble Special Bench in the judgment dated 7th February, 2024 passed on a batch of matters first one being ***WPA 303 of 2023 (Utpal Kanti Karan Vs. State of West Bengal & Ors.)***. Petitioner prays for direction upon the State-respondents to sanction postgraduate scale of pay since he was not required to obtain prior permission from the concerned District Inspector of Schools (SE) for his enrollment in higher course of studies since at the time of his appointment he completed M.Sc. Part-II course but the M.Sc. Part-II examination was not held.

School authority where petitioner is presently working is represented by learned advocate who submits that on adopting resolution proposal was sent to the concerned District Inspector of Schools (SE), Purba Medinipur being respondent no. 3 for sanctioning postgraduate scale of pay in favour of the petitioner.

State-respondents are represented by learned advocate who submits that since the issue has not yet been decided the matter may be relegated to the

respondent no. 3 for taking decision in accordance with law.

It is also submitted that a representation has been made dated 3rd September, 2024 before the respondent no. 3 and the same is still pending.

Having considered respective submissions made on behalf of the parties writ petition stands disposed of directing the respondent no. 3 to decide entitlement of the petitioner to receive postgraduate scale of pay by 8 (eight) weeks from the date of communication of this order by passing a reasoned decision. Respondent no. 3 is directed to afford reasonable opportunity of hearing to the petitioner or his representative as well as the school authority.

The decision to be taken by the respondent no. 3 shall be communicated to the petitioner by 1 (one) week thereafter.

It is made clear that while taking decision the respondent no. 3 shall follow the ratio of ***Md. Adeel Uz Zaman*** (*supra*) which has been subsequently affirmed by the Hon'ble Special Bench vide judgment 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.)