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W.P.A. 23896 of 2023

**Prabir Kumar Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Kaustubh Chandra. Das
Sk. Sahjahan Ali ... For the petitioner.

Md. Mansoor Alam,
Ms. Suvashree Ghosh ... For the State.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The petitioner is an approved Assistant Teacher of Balsi High School (H.S.), Patrasayer, District – Bankura of the subject Nutrition (H/PG).

The District Inspector of Schools (S.E.), Bankura, the respondent no. 3 herein by the impugned memo bearing no. 980/S dated February 25, 2014 has rejected the prayer of the petitioner for higher scale of pay on enhancement of his qualification in the relevant subject on the ground that the petitioner did not obtain prior permission of the said respondent to pursue his such higher studies.

Mr. Das, learned advocate for the petitioner submits that the petitioner was pursuing his said higher studies before joining the service, therefore no situation to take such prior permission arose, consequently, denial of said higher scale of pay for want of such prior permission is not sustainable. He further submits that the issue is now settled by the different judgments of this Court, particularly, by the judgment of the Division Bench of this Court.

It appears from the impugned memo that the judgments of this Court on the subject were not placed before the respondent no. 3.

The impugned Memo is therefore set aside for a fresh decision on the issue. The respondent no. 3 is directed to re-consider the entitlement of the petitioner to receive higher scale of pay, as prayed for, if necessary, after giving the petitioner/his representative an opportunity of hearing. The petitioner is obliged to place all relevant judgments of this Court before the said respondent at the time of consideration of his prayer.

The respondent no. 3 shall decide the referred issue within a period of eight weeks from the date of communication of this order.

W.P.A. 23896 of 2023 is thus disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)