

16.05.2024
(D/L 146)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 27456 of 2023

Bimal Kuamr Mandal

-Vs-

The State of West Bengal & Ors.

Mr. Kaustav Chandra Das,

Mr. Sk. Sahjahan Ali,

.... For the Petitioner.

Mr. Supriyo Chattopadhyay, Ld. AGP,

.... 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
Goutamdanga Chatuspalli Vidyapith (H.S), District – Purba
Bardhaman of the subject Mathematics.

The District Inspector of Schools (S.E.), Purba
Bardhaman, the respondent no. 4 herein by the impugned
memo bearing no. 101/L.S/1/2 dated November 08, 2023 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 in view of different judgments of this
Court, particularly, the judgment of the Hon'ble Division
Bench of this Court, the right of the petitioner to get such
higher scale of pay stands crystallized.

It appears from the impugned memo that the
respondent no. 4 was not apprised of the aforesaid judgments

of this Court at the time of consideration of the prayer of the petitioner, as such the said prayer deserves a fresh consideration on the basis of the said judgments.

To facilitate the said consideration, the impugned Memo is therefore set aside.

The respondent no. 4 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 on the subject before the said respondent at the time of consideration of his prayer.

The respondent no. 4 shall decide the referred issue within a period of eight weeks from the date of communication of this order.

W.P.A. 27456 of 2023 is thus disposed of with the above terms without any order as to costs.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have 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.)