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12.02.2025
Ct. No. 18
(ARPAN)

W.P.A. 617 of 2025

**Hasina Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Dhananjay Banerjee
Mr. Jisan Iqbal Hossain

...for the Petitioner

Mr. Suvra Prakash Lahiri
Mr. Kartik Chandra Kapas

...for the State

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

By presenting this writ petition, *inter alia*,
petitioner has prayed for sanction of post graduate scale
of pay after enhancing her academic qualification that is
Masters Degree in Physical Education.

Learned advocate representing the petitioner
submits that petitioner was appointed in the post of
Assistant Teacher in Physical Education on 24th
December, 2013 and subsequently, obtained M.P.Ed
qualification in 2014 from Calcutta University. According
to the petitioner she is entitled to receive post graduate
scale of pay on obtaining higher qualification in the
relevant subject of teaching.

The teacher-in-charge of the school where
petitioner is presently serving *vide* letter dated 17th
January, 2018 has requested the District Inspector of
Schools (S.E.), Murshidabad being respondent no.6 to
take necessary steps for sanction of post graduate scale
of pay.

State respondents are represented by learned advocate who has submitted that petitioner was initially appointed as Assistant Teacher in Physical Education against a post which was reserved for pass graduate candidate and from the date of appointment petitioner was sanctioned pass graduate scale of pay. However, it is submitted since the issue is pending before the respondent no.6, same may be decided in accordance with law.

Having considered the respective submissions made on behalf of the parties, writ petition stands disposed of granting leave to the petitioner to make a comprehensive representation along with all relevant service documents to the respondent no.6 by fortnight from date. If such representation is made within the aforesaid time, respondent no.6 shall decide the entitlement of the petitioner to receive post graduate scale of pay by eight (8) weeks thereafter and a reasoned order shall be passed after granting opportunity of hearing to the petitioner or her representative. The decision to be taken by the respondent no.6 shall be communicated to the petitioner by ten (10) days thereafter. At the time of considering the issue, respondent no.6 shall follow the judgment dated 7th February, 2024 delivered by the Hon'ble Special Bench on a batch of matters, first one being *WPA 9921 of 2007 (Utpal Kanti Karan vs. State of West Bengal & Ors)*.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)