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W.P.A. 802 of 2025

Sheena Dhara (Dey)

-vs-

The State of West Bengal & Ors.

Mr. Golam Mastafa,
Mr. Tarasankar Samanta

....for the petitioner.

Mr. Dipanjan Datta,
Mr. Subhajit Chowdhury

....for the State.

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

By presenting this writ petition challenge has been thrown to the order dated 6th September, 2024 issued by the District Inspector of Schools (SE), South 24 Parganas being respondent no.3 whereby prayer for sanctioning postgraduate scale of pay in favour of the petitioner was spurned.

The learned advocate representing the petitioner submits that she obtained postgraduate degree in Geography in June, 2012 but prior thereto was appointed as an Assistant Teacher in Social Science group on 1st September, 2005.

At the time of appointment of the petitioner in the school in question she was possessing B.Sc. B.Ed degree and appointed in a post which was earmarked

for a candidate having pass graduate qualification.

Question arises for consideration whether a teacher who was appointed in a post which was reserved for a candidate possessing pass graduate degree on acquiring postgraduate qualification in the same subject after appointment is entitled to receive higher scale of pay or not. It needs to be recorded herein that at the time of granting approval after petitioner's appointment on 1st September, 2005 she was sanctioned pass graduate scale of pay.

Issue is no more *res integra* in view of observations made 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.).

It has been unequivocally observed by the Hon'ble Special Bench that a teacher who has entered service in the pass graduate category shall not be entitled to higher scale of pay merely because she has acquired higher qualification subsequent thereto or prior to her appointment.

Hence, this Court finds that the order dated 6th September, 2024 issued by the respondent no.3 ought not to be interfered with.

The writ petition stands dismissed.

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.)