

D/L84
22.04.2025
Rohit
ct.no.18

WPA 804 of 2024

**Ashima Majumdar
Versus
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta
Mr. Baibhav Roy
...for the petitioner

Mr. Supriyo Chattopadhyay, Ld. AGP
Mr. Sabyasachi Mondal
...for the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
...for the W.B.B.S.E

Matter is heard at length in presence of the learned Advocates representing parties. Petitioner has claimed rectification of her approval in connection with her service rendered as Science and Mathematics Teacher in Memari Rasiklal Smriti Balika Vidyalaya, Purba Bardhaman (hereinafter referred to as the second school) thereby allowing Level 15 scale instead of Level 14 scale from the date of joining the post with effect from 9th February, 2022. It is submitted by Mr. Dasgupta, learned Advocate representing the petitioner that she was appointed as an Assistant Teacher in Science Group in Bardhaman Bidyarthi Bhaban Girls' High School, Purba Bardhaman (hereinafter referred to as first school) on 2nd May, 1990 and was sanctioned Honors

Graduate Scale of Pay. Petitioner obtained Master Degree in Bengali in 2000 and was sanctioned Post Graduate Scale of Pay by the District Inspector of Schools (S.E), Burdwan vide Memo dated 6th November, 2003 in terms of clause 1 of the Government circular being no. 57-SE(S) dated 27th January, 1995 with effect from 1st August, 2003. It is contended though petitioner was initially appointed as an Assistant Teacher in Science Group but her service was utilized by the first school authority as an Assistant Teacher in Bengali and petitioner was required to take more than six classes per week in Bengali in the first school. Therefore, according to clause 1 of Government circular dated 27th January, 1995 in view of such arrangement was made by the first school authority petitioner was sanctioned Post Graduate Scale of Pay. Petitioner applied for transfer as an Assistant Teacher in Science Group and joined the post in the second school with effect from 9th February, 2022 and approval was accorded by the concerned District Inspector of Schools (S.E) thereby allowing Level 14 Scale of Pay in terms of R.O.P.A 2019. It is submitted on behalf of the petitioner since petitioner was enjoying Post Graduate Scale of Pay in the first school she is entitled to enjoy Level 15 Scale instead of Level 14 Scale.

Another limb of submission which has been advanced on behalf of the petitioner is based on a circular dated 16th April, 1996 being Memo No. 269-SE(Pry.) wherein it has been provided under clause 2 that pay protection is required to be granted in the event a teacher joins an approved post in another institution, if the said teacher is appointed where same or higher scale of pay is required to be sanctioned.

Learned Advocate representing the state respondents has opposed the prayer couched in this writ petition on the ground that there was utilization of service of the petitioner as Bengali teacher in the first school but in the second school petitioner is being treated as an Assistant Teacher of Science Group and the qualification of the petitioner is B.Sc Honours, B.Ed. but she was sanctioned Post Graduate Scale of Pay vide Memo dated 6th November, 2003 with effect from 1st August, 2003 since in terms of clause 1 of Government circular dated 27th January, 1995, service of the petitioner was utilized as an Assistant Teacher in Bengali upon taking more than six classes in Bengali per week in addition to her normal work load as an Assistant Teacher in science group. This arrangement perhaps the first school authority had to make due to academic interest of the

students of the said school and there might have been dearth of Assistant Teachers in Bengali.

Petitioner applied for transfer in consideration of her educational qualification of B.Sc Honours, B.Ed. and accordingly was appointed as Assistant Teacher of Science and Mathematics group in the second school with effect from 9th February, 2022. In the second school in connection with the service rendered by the petitioner no material is produced which would establish that in terms of clause 1 of Government Circular dated 27th January, 1995 prior permission was obtained from the concerned District Inspector of Schools (S.E) to effect an arrangement which would permit the petitioner to take six or more Bengali classes per week in addition to her normal work load as an Assistant Teacher in Science and Mathematics. In absence of necessary prior permission as contemplated under Clause 1 of Government circular dated 27th January, 1995, petitioner is not entitled to enjoy Post Graduate Scale of Pay in consideration of her educational qualification of M.A in Bengali. Moreover, concerned District Inspector of Schools (S.E) by according approval vide Memo dated 19th April, 2022 approved the service of the petitioner as an Assistant Teacher in Science and Mathematics Group having

qualification of B.Sc Honours, B.Ed. Therefore, being an Assistant Teacher of science group she is not entitled to receive Post Graduate Scale of Pay in consideration of her educational qualification of Master Degree in Bengali.

It is not a case of granting pay protection as contemplated under Government circular dated 16th April, 1996 as relied upon on behalf of the petitioner. In the first school since there was compliance of conditions in terms of clause 1 of Government Circular dated 27th January, 1995 petitioner was found to be eligible to enjoy Post Graduate Scale of Pay. In the second school such arrangement has not been done and petitioner's service is being treated as an Assistant Teacher of science group based on her transfer application made before the concerned respondent authority and subsequently petitioner was transferred from first school to second school.

In view of aforesaid discussions, W.P.A 804 of 2024 stands dismissed.

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

(Saugata Bhattacharyya, J.)