

17 18.02.2025
rkd Ct.18

W.P.A. 2226 of 2025

Rinku Murmu

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das,
Ms. Sudipta Pramanik

....for the petitioner.

Mr. Suman Dey,
Mr. Sakhwat Khandekar

....for the State.

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

Petitioner by instituting this writ petition
has prayed for sanction of postgraduate scale of
pay on acquiring M.A. degree in English which is
her relevant subject of teaching.

The learned advocate representing the
petitioner submits that petitioner joined the post of
Assistant Teacher on 22nd August, 2010 and was
sanctioned Hons. graduate scale of pay since at the
time of joining the post petitioner was possessing
B.A. Hons. qualification in English.

It is also submitted that prior to joining the
post petitioner enrolled herself in higher course of
studies for acquiring postgraduate degree in
English and she completed Part-I course prior to

her joining. Subsequently, petitioner completed postgraduate course and obtained M.A in English in 2011.

The Headmistress of the school where petitioner presently serving vide letter dated 7th February, 2013 forwarded the issue to the concerned District Inspector of Schools (SE), Uttar Dinajpur being respondent no.3 for taking necessary steps to sanction postgraduate scale of pay. It is submitted till date no decision has been taken by the respondent no.3.

The learned advocate representing the petitioner has relied upon the judgment of the Hon'ble Division Bench passed on an intra Court appeal being MAT 825 of 2020 (*Adeel Uz Zaman v. The State of West Bengal & Ors.*) dated 11th February, 2021. It is also submitted that the ratio of *Adeel Uz Zaman (supra)* has been affirmed by the Hon'ble Special Bench vide judgment dated 7th February, 2024 passed on a batch of matters first one being WPA 9921 of 2007 (*Utpal Kanti Karan – vs- State of West Bengal & Ors.*).

State respondents are represented by learned advocate who submits that since issue is pending before the respondent no.3 the said respondent no.3 may be permitted to take decision

in accordance with law.

Having considered the submissions made on behalf of the parties writ petition stands disposed of directing the respondent no.3 to decide entitlement of the petitioner to receive postgraduate scale of pay by eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or her representative.

The decision to be taken by respondent no.3 shall be communicated to the petitioner by seven days thereafter.

While taking decision respondent no.3 shall follow the ratio of *Adeel Uz Zaman (supra)* and the judgment of the Hon'ble Special Bench dated 7th February, passed 2024 in *Utpal Kanti Karan (supra)*.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)