

23 14.02.2025
rkd Ct.18

W.P.A. 2470 of 2025

Smt. Tina Ghosh

-vs-

The State of West Bengal & Ors.

Mr. Shamim ul Bari,
Ms. Jhilik Singha,
Ms. Asmita Mitra

....for the petitioner.

Mr. Dipanjan Datta,
Mr. Sayan Datta

....for the State.

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

Petitioner has laid claim for sanction of
postgraduate scale of pay since she acquired
postgraduate qualification in the relevant subject of
teaching.

The learned advocate representing the
petitioner submits that petitioner joined the post of
Assistant Teacher on 5th October, 2007 and was
sanctioned Hons. graduate scale of pay being an
Assistant Teacher in English having Hons.
graduate degree.

It is further contended that at the time of
joining the post on 5th October, 2007 petitioner was
undergoing higher course of study for obtaining
postgraduate degree in English and in 2009

petitioner passed Part-II examination and awarded degree.

It is further submitted that West Bengal Board of Secondary Education sanctioned leave in favour of the petitioner for participating in Part-II examination of M.A. course.

Reliance is placed on 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 in order to contend that prior permission as contemplated under the relevant Government Circular is not required since at the time of petitioner's appointment she was undergoing higher course of study. 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 has submitted that the issue is pending before the District Inspector of Schools (SE), Nadia being respondent no.3 for consideration.

Having considered the submissions made on behalf of the parties writ petition stands disposed of granting leave to the petitioner to make a representation to the respondent no.3 by fortnight from date claiming Hons. graduate scale of pay.

In the event representation is made within the aforesaid time respondent no.3 is directed to pass a reasoned order within a period of eight weeks from the date of receipt of representation after granting opportunity of hearing to the petitioner or his representative.

The decision to be taken by respondent no.3 shall be communicated to the petitioner by ten 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, 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.)