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2025

TUESDAY

Court : CB-07
Item : AD-08
Status : DO
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3890 OF 2025

SANJAY KUMAR MANDAL

VS.

THE STATE OF WEST BENGAL & ORS.

MS. PAPIYA CHATTOPADHYATY, ADVOCATE

.....for the Petitioner

MR. VIMAL KUMAR SHAHI, LD. AGP

MS. KAKALI NASKAR, ADVOCATE

.....for the State

1. This writ petition has been preferred, alleging inaction on the part of the concerned District Inspector of Schools in considering the petitioner's prayer for a higher scale of pay upon acquiring a higher qualification in the subject relevant to his teaching and/or appointment.
2. Ms. Chattopadhyay, learned Advocate representing the petitioner, submits that the petitioner was appointed to the post of Assistant Teacher in Adhata High School, District – North 24 Parganas (hereinafter referred to as 'the said School') on 09.10.2007, on the basis of a recommendation made by the West Bengal School Service Commission, and his appointment was duly approved by the District Inspector of Schools vide memo dated 30.11.2007.
3. The petitioner submitted a representation to the Secretary of the Managing Committee of the School seeking permission to pursue a Master's Degree in Physics, along with a prayer for grant of leave. It is submitted that the Managing Committee, by adopting a resolution, granted such leave to the petitioner.
4. Subsequently, the petitioner appeared in the examination and obtained a Master's degree in Physics from Madurai Kamaraj University. The last date of the examination was on 30.04.2012. Thereafter, the petitioner made an application to the District Inspector of Schools through the School authority, requesting a higher scale of pay, and such representation was duly forwarded to the District Inspector of Schools for consideration. However, despite receiving the representation, no decision has been taken thereon till date. This inaction prompted the petitioner to prefer a writ petition

being W.P. 7022 (W) of 2017, which was disposed of on 20.03.2017 by a Coordinate Bench, directing the concerned District Inspector of Schools to consider the representation dated 21.12.2015 submitted by the petitioner within the period specified therein. However, till date, the said representation has not been disposed of. Faced with this situation, the petitioner has been constrained to prefer the present writ petition.

5. Ms. Chattopadhyay further submits that the petitioner is entitled to receive a higher scale of pay in view of the decision of this Court rendered in *Utpal Kanti Karan vs. State of West Bengal & Ors.*, reported in (2024) SCC Online (Cal) 3278.
6. Mr. Shahi, learned Advocate representing the State, submits that it is still unclear how the petitioner attended the practical classes in Madurai. He further submits that the genuineness of the certificate produced by the petitioner, showing that he has acquired a postgraduate degree in Physics, is highly suspicious.
7. Heard the learned Advocates for the respective parties and perused the materials-on-record.
8. Admittedly, the petitioner submitted a representation requesting a higher scale of pay way back in 2015, which was forwarded to the District Inspector of Schools by the School Authority. Even a Coordinate Bench of this Court, by passing an order, directed the District Inspector of Schools to dispose of the said representation. It is unfortunate that the District Inspector of Schools, being the concerned authority, has been sitting tight over the matter for the last 10 years.
9. In view thereof, the concerned District Inspector of Schools is directed to take a decision on the petitioner's claim for a higher scale of pay.
10. The District Inspector of Schools is at liberty to ascertain whether the certificate presented by the petitioner, claiming to hold a postgraduate degree, is genuine or not.
11. If, upon enquiry, it is found that the certificate is genuine, the petitioner's claim for a higher scale of pay shall be considered in accordance with the applicable rules and the proposition laid down in the decision of *Utpal Kanti Karan* (supra).

12. The entire exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order.

(PARTHA SARATHI CHATTERJEE, J.)