

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

ML- 12.08.2025
337 Ct.18
rkd DO

W.P.A. 4854 of 2024

Sushanta Naskar

-vs-

The State of West Bengal & Ors.

Mr. Sandipan Maity

....for the petitioner.

Mr. Bikash Chakraborty

....for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner was appointed as Assistant Teacher in Mathematics on 15th March, 2008 and was sanctioned honours graduate scale of pay since petitioner was possessing Hons. graduate degree in Mathematics.
3. Petitioner obtained prior permission from the Additional District Inspector of Schools (SE), Uluberia Sub-Division, Howrah vide memo dated 22nd September, 2016 for taking admission in postgraduate course in Mathematics for the Session 2016-2018 under Netaji Subas Open University and such prior permission is at page 21 of the writ petition.
4. Subsequently, petitioner completed postgraduate

course and obtained Master degree. Certificate was issued conferring postgraduate degree by the University on 8th February, 2022. Petitioner prays for sanction of postgraduate scale of pay.

5. It is also informed by the learned advocate representing the petitioner that petitioner was mutually transferred from his previous school situated at Howrah to Dara Adarsha Bidyamandir (HS) situated in South 24 Parganas.
6. State respondents are represented by learned advocates.
7. Since petitioner obtained postgraduate degree in relevant subject of teaching and prior to enrolling himself with the University for undergoing higher course of study petitioner obtained prior permission from the Additional District Inspector of Schools (SE), Uluberia Sub-Division, Howrah on 22nd September, 2016 this Court finds that prayer of the petitioner for sanction of postgraduate scale of pay needs to be considered in accordance with law.
8. Leave is granted to the petitioner to make a representation claiming sanction of postgraduate scale of pay by fortnight from date before the Commissioner of School of Education, West Bengal being respondent no.2.

9. If representation is made within the aforesaid time respondent no.2 shall decide the same in accordance with law within a period of eight weeks thereafter on granting opportunity of hearing to the petitioner or his representative.
10. Respondent no.2 shall pass a reasoned order and at the time of taking decision prior permission issued by the Additional District Inspector of Schools (SE), Uluberia Sub-Division, Howrah dated 22nd September, 2016 shall be taken into consideration.
11. The decision to be taken by respondent no.2 shall be communicated to the petitioner by fortnight thereafter.
12. The writ petition stands disposed of.
13. However, there shall be no order as to costs.
14. 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.)