

24.01.2025.
PB
Sl. No.16.
Ct. No.25.

WPA 4748 of 2020

Jayanta Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Shamimul Bari,
Ms. Asmita Mitra.
... For the Petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
.....for the State.

The petitioner's grievance is that, his prayer for grant of higher pay scale, pursuant to his higher qualification in the relevant subject has not yet been considered and decided by the respondent District Inspector of Schools (SE), South 24 Parganas.

The factual background of the case has been made known to the Court, by Mr. Bari, learned advocate for the petitioner, which is as follows:-

The writ petitioner was recommended for appointment by the West Bengal Regional School Service Commission on July 14, 2010, in the honors graduate category. He joined in the service and later on, vide order dated October 1, 2010, his service has been approved.

The petitioner, however, before entering into the service, has concluded his Part-I examination in the Master's Degree Course and after being inducted therein, has sought permission from the school managing committee, to further pursue with the said course.

Finally, he has appeared in the Part-II examination of M.Sc. course, pursuant to the concurrence granted by the school managing committee to his prayer on October 15, 2012. On 30th September, 2013, he was granted certificate by the Netaji Subhas Open University of the degree of M.Sc.

Thereafter, the petitioner had prayed before the school managing committee for grant of pay scale to him, meant for the post-graduate teachers, since he has qualified in the M.Sc. examination and obtained the degree.

The school managing committee in its meeting dated January 21, 2020, approved his prayer and forwarded its recommendation to the District Inspector of Schools (SE), South 24 Parganas, for grant of such prayer of the petitioner. Since thereafter, allegedly, there has not been any consent or approval to the prayer of the petitioner as above, by the said respondent. Hence, this writ petition.

Mr. Shamimul Bari appearing for the petitioner has submitted further that the law in this regard is now well settled pursuant to the decision of the

Hon'ble Larger Bench of this Court reported in ***Utpal Kanti Karan vs. State of West Bengal*** & Ors. reported in ***2024 SCC Online Cal 1274***.

Mr. Chattopadhyay, learned advocate for the State respondent would, however, say that the effective date for grant of higher pay scale to the petitioner should be from the date of his publication of result and not the last date of examination. In this regard, he would like to refer to an interim order of the Hon'ble Appeal Bench of this Court in the appeal being MAT No. 1029 of 2024. He further says that the issues are now pending before the Hon'ble Division Bench for final determination.

Heard submissions. Perused the records.

It appears that the issues involved in the present writ petition has been elaborately dealt with and squarely covered by the decision of the Hon'ble Larger Bench in the case of Utpal Kanti Karan (supra). The relevant portion thereof, may be quoted as hereinbelow:-

“ 272(9) – If a teacher has partially completed higher study before entering service, he/she would come under purview of G.O. No.1595-SE (S) dated 26th December, 2005, and the question of taking permission from DIS-SE concerned would not arise“.

The present writ petition is found proper to be disposed of with the following directions:-

- i) Let the respondent/District Inspector of Schools (SE), South 24 Parganas, consider immediately, the prayer of the petitioner and recommendation of the school managing committee to that effect, regarding grant of pay scale to the petitioner meant for post-graduate teachers, in accordance with law settled in this regard, particularly in view of the Hon'ble Larger Bench's judgment in the case of Utpal Kanti Karan (supra)
- ii) Let the entire exercise as above, be concluded by the said respondent, within a period of four weeks from the date of communication of copy of this order.

The writ petition is disposed of.

Since no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.

Urgent certified photocopy of this order, if applied for, shall be supplied to the parties, on compliance of all necessary formalities.

(Rai Chattopadhyay, J.)