

W.P.A. 6115 of 2025

Sri Tarit Kumar Banerjee
Vs.
The State of West Bengal & Ors.

Ms. Sumouli Sarkar, Adv
Mr. Sourojit Mukherjee, Adv

...for the Petitioner

Ms. Piyali Sengupta, Adv
Mr. Alok Banerjee, Adv

...for the State

Learned advocate representing the petitioner submits that petitioner was appointed as Assistant Teacher in English and was granted honours graduate scale of pay with effect from 24th January, 1996. It is submitted that the then District Inspector of Schools (S.E.), Medinipore approved appointment of the petitioner *vide* memo dated 12th August, 1996. It is also submitted that at the time of petitioner's appointment as Assistant Teacher in English, he was having post graduate degree in English which was his relevant subject of teaching. It is contended that though initially petitioner was sanctioned honours graduate scale of pay, subsequently the then District Inspector of Schools (S.E.), Medinipore *vide* memo dated 9th February, 1998 sanctioned post graduate scale of pay in favour of the petitioner with effect from 24th January, 1996 being the date of his appointment.

Petitioner worked as Assistant Teacher in a Government aided recognized school and retired on superannuation on 31st January, 2025 but till date pension case of the petitioner has not been settled.

Petitioner prays for disbursement of retiral dues including pension reckoning his last pay drawn in post graduate scale of pay.

State respondents are represented by learned advocates who have placed before this Court a report dated 21st March, 2025 of the District Inspector of Schools (S.E.), Paschim Medinipur being respondent no.5 and same is taken on record.

From the said report dated 21st March, 2025, it transpires that an objection is raised against sanctioning post graduate scale of pay in favour of the petitioner which was allowed with effect from 24th January, 1996, based on one order no.102-SE (vig), dated 11th September, 2001 of School Education Department, Vigilance Branch, West Bengal whereby the then District Inspector of Schools (S.E.), Medinipore was authorized to review any action/ decision/ order made by Shri Birendra Nath Burman, Ex. District Inspector of Schools (S.E.), Medinipore and others, if any, wherever any doubt/ suspicion arises as to the legality of the issue.

In the present case, petitioner was sanctioned post graduate scale of pay *vide* memo dated 9th February, 1998 with effect from 24th January, 1996 and petitioner retired on superannuation on 31st January, 2025. At the time of processing the pension case of the petitioner, objection was raised first in the month of September,

2024. Why respondent no.5 did not take steps to review the decision of the then District Inspector of Schools (S.E.), Medinipore whereby petitioner was sanctioned post graduate scale of pay, based on order dated 11th September, 2001 within a reasonable period of time, is not discernible.

It appears that petitioner enjoyed post graduate scale of pay from 24th January, 1996 till the date of his superannuation on 31st January, 2025 based on post graduate qualification which petitioner was possessing at the time of his appointment on 24th January, 1996.

Furthermore, case of the petitioner is fortified by Clause 12(3) of Revision of Pay and Allowances (ROPA) Rules, 1998 issued *vide* memo dated 12th February, 1999. Clause 12(3) has made it clear that all teachers and librarians of secondary schools who have improved/ will improve their qualifications and who were appointed with higher qualification in the subjects or groups relevant to their teaching/ appointment shall get higher scale of pay appropriate to their qualifications, with effect from 1st January, 1996 or the date of improving qualification, whichever is earlier.

In the case at my hand it appears that at the time of appointment, petitioner was possessing post graduate qualification in the relevant subject of teaching and taking note of this, the then District Inspector of

Schools (S.E.), Medinipore sanctioned post graduate scale of pay *vide* memo dated 9th February, 1998 in favour of the petitioner with effect from 24th January, 1996 which is not found to be contrary to the provisions as contained in Clause 12(3) of ROPA Rules, 1998. Moreover, petitioner was initially appointed as a teacher having honours graduate qualification therefore, it is found that the staff pattern of the school where petitioner was appointed ought not to be a relevant consideration. Question would have been different if petitioner had been appointed on a post which was earmarked for a candidate having pass graduate qualification.

Therefore, Court does not find any ambiguity in extending benefits of post graduate scale of pay in favour of the petitioner *vide* memo dated 9th February, 1998 of the then District Inspector of Schools (S.E.), Medinipore which is in sync with Clause 12(3) of the ROPA Rules, 1998.

Hence, authority of Rathipur Barada Banipith, Paschim Medinipur being respondent nos. 6 to 8 are directed to forward pension case of the petitioner along with relevant documents to respondent no.5 by seven (7) days from the date of communication of this order, if same has not yet been forwarded. On receipt of pension papers, respondent no.5 shall settle the pension case in favour of the petitioner reckoning last pay drawn by the

petitioner in post graduate scale of pay on 31st January, 2025 being the date of petitioner's retirement and forward the pension case to the Director of Pension, Provident Fund and Group Insurance being respondent no.9 by four (4) weeks thereafter. On receipt of pension papers, respondent no.9 shall issue pension payment order in favour of the petitioner by fortnight thereafter.

Petitioner shall be paid retiral dues including pension as expeditiously as possible but not later than ten (10) weeks from the date of communication of this order.

With the above directions, writ petition stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)