

27.1.2025
Court No. **25**
SL.26
s.k

WPA 7094 of 2021

Joyita Saha

vs

The State of West Bengal & Ors.

Mr. S.T.Mina
Mr. Nilanjan Pal
Mr. Pratick Sardar
...for the petitioner

Mr. Suman Ghosh
Mr. Soumen Chatterjee
...for the State

On March 7, 2006 the petitioner was appointed as an Assistant Teacher in the subject Physics, at honours graduate pay scale, in the respondent-School. She says that at the time of appointment, she had already enrolled herself for the higher course in Master's Degree in Science in "Applied Physics", under the Bengal Engineering and Science University at Shibpur, at Howrah.

After being inducted in the service, the petitioner duly applied before the School Managing Committee to allow her to continue with the Master's Degree Course, as above.

Subsequently, the petitioner has concluded the Master's Degree Course, pursuant to the permission granted to her by the School Managing Committee and the date of publication of her final result was August 18, 2008.

Be that as it may, thus the petitioner has qualified in the Master's Degree Course, and thereafter has prayed for grant of higher pay scale to her, pursuant to her higher qualification. The School Managing Committee by dint of its resolution dated April 20, 2013, has granted such prayer of the petitioner and forwarded its recommendation to the respondent/District Inspector of Schools (S.E.), Burdwan.

Mr. Mina, learned advocate for the petitioner has submitted that since the petitioner had already enrolled herself in the Master' Degree Course in 'Applied Physics', before entering into the service and subsequently, after entering into the service, she has obtained due prior permission of the School Managing Committee to further pursue the said course, the petitioner shall be entitled to be granted with the commensurate post graduate pay scale on the basis of her upgraded qualification as above.

A report has been submitted by the District Inspector of Schools (S.E.), Purba Burdwan in Court; let that be taken on record.

Learned advocate appearing for the State respondent on the basis of the said report has stated that the petitioner, since has not enhanced her qualification in the subject relevant i.e. 'Physics' but has obtained Master's Degree in 'Applied Physics', she would not be eligible for grant of pay scale meant for post graduate scale.

In this regard, Mr. Suman Ghosh, the learned advocate for the State respondent has relied on a notification of the West Bengal Central School Service Commission, No. 1426/1428(VI)/CSSC/ESTT/2008 dated 17.11.2008 and submits that 'Applied Physics' has not been specified as a relevant subject in the Regional Level Selection Test for recruitment in the post an Assistant Teacher, through the West Bengal School Service Commission.

Heard the submissions and perused the documents.

It appears that the petitioner was recruited on March 7, 2006. She has been recruited as the honours graduate

teacher in the subject 'Physics'. Later on, she enhanced her qualification and obtained MSc degree in the subject 'Applied Physics.' Apparently, pursuant to the notification dated November 7, 2008, as mentioned above, the subject 'Applied Physics' would not be a "concerned subject" for the Regional Level Selection Test, for the purpose of recruitment to the post of Assistant Teacher, through West Bengal School Service Commission.

Considering the facts and circumstances in the present case, the Court finds it proper to relegate the matter for consideration afresh by the respondent no. 9/District Inspector of Schools (S.E.), Barrackpore, to take a decision as regards the prayer of the petitioner for grant of higher pay scale pursuant to her higher qualification as mentioned above, after taking into consideration, the relevant record and in accordance with law.

Let the respondent No. 4/District Inspector of Schools (S.E.), Burdwan immediately transmit entire record to the respondent No. 9/District Inspector of Schools (S.E.), Barrackpore, North 24-Parganas, for the purpose.

The respondent no. 9 shall grant adequate and reasonable opportunity of hearing to the petitioner and consider the relevant documents including the notification as mentioned above and decide upon the prayer of the petitioner for grant of higher pay scale by dint of a reasoned order and in accordance with law.

The entire exercise as above shall be concluded by the respondent no., 9 within a period of four weeks from the date of receipt of the record from the office of the respondent

No. 4. The order shall be communicated to the petitioner within one week from its date.

With the above observations and directions the writ petition being WPA 7094 of 2021 is disposed of.

Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities

(Rai Chattopadhyay, J.)