

W.P.A. 8925 OF 2025

**Prabir Tarafder
Vs.
The State of West Bengal & Others**

Mr. Duke Banerjee, Adv.

...for the Petitioner

Mr. Tapan Kumar Mukherjee, AGP

Mr. Somnath Naskar, Adv.

...for the State

Ms. Koyeli Bhattacharyya, Adv.

Mr. Bibek Dutta, Adv.

Ms. Keya Panja, Adv.

...for W.B.B.S.E.

Petitioner prays for sanction of post graduate scale of pay for acquiring M.Sc. degree in Mathematics from Jadavpur University.

It is submitted by learned advocate representing the petitioner that petitioner was appointed as an approved Assistant Teacher with effect from 16th March, 2009 and was sanctioned honours graduate scale of pay. It is also contended that petitioner took admission in post graduate course in 2005 and the duration of course was for three years. Petitioner completed post graduate course in 2008 which was conducted by Jadavpur University at evening.

It is further submitted on behalf of the petitioner that petitioner did not have opportunity to obtain prior permission from the District Inspector of Schools (S.E.), South 24 Parganas before enrolling himself in higher course of studies since the post

graduate course completed in 2008 and petitioner was appointed as Assistant Teacher with effect from 16th March, 2009.

Study leave for completing post graduate course was sanctioned by the concerned authority of the West Bengal Board of Secondary Education *vide* memo dated 24th August, 2011 and Headmaster of the school, where petitioner is presently working as Assistant Teacher *vide* letter dated 29th September, 2011 approached the concerned District Inspector of Schools (S.E.) for sanction of post graduate scale of pay in favour of the petitioner.

State respondents and West Bengal Board of Secondary Education are represented by learned advocates.

It is submitted on behalf of the State respondents that since issue is pending before District Inspector of Schools (S.E.), South 24 Parganas, same is required to be decided, in accordance with law.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of directing District Inspector of Schools (S.E.), South 24 Parganas being respondent no.4 to decide claim of the petitioner for sanction of post graduate scale of pay by passing a reasoned order within a period of eight (8)

weeks from the date of communication of this order. Opportunity of hearing shall be granted to the petitioner or his representative before taking final decision.

Respondent no.4 while taking decision on claim of the petitioner to sanction post graduate scale of pay shall rely upon the judgment of the Hon'ble Division Bench dated 11th February, 2021 passed on an *intra-court* appeal being ***MAT 825 of 2020 (Md. Adeel Uz Zaman vs. The State of West Bengal & Ors.)***, which was affirmed by the Hon'ble Special Bench *vide* judgment dated 7th February, 2024 delivered on a batch of matters, first one being ***WPA 9921 of 2007 (Utpal Kanti Karan vs. State of West Bengal & Ors.)***. Decision to be taken by respondent no.4 shall be communicated to the petitioner by ten (10) days thereafter.

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

(Saugata Bhattacharyya, J.)