

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 12005 OF 2025

Zakir Hossain

Vs.

The State of West Bengal & Others

Mr. Kaustav Chandra, Adv.

Sk. Sahjahan Ali, Adv.

...for the Petitioner

Ms. Biswabrata Basu Mallick, AGP

Mr. Sayan Ganguly, Adv.

...for the State

Mr. Nadeem Sulaiman, Adv.

...for Madrasah Board

- 1) Affidavit-of-service filed on behalf of the petitioner is taken on record.
- 2) Petitioner is an Assistant Teacher in Mathematics in High Madrasah and has laid claim for sanction of postgraduate scale of pay on acquiring postgraduate qualification in relevant subject.
- 3) It is submitted by the learned advocate representing the petitioner that petitioner was appointed as an approved Assistant Teacher on 5th October, 2009 and prior to his appointment, he was undergoing postgraduate course and Part-I examination commenced from 20th December, 2009.
- 4) It is also submitted that petitioner obtained postgraduate qualification through distance mode of Education from Netaji Subhas Open University in 2013. Therefore, after appointment on 5th October,

2009 as an approved Assistant Teacher petitioner did not have any scope to seek prior permission from the District Inspector of Schools (S.E.), South 24 Parganas for enrolling himself in higher course of study.

- 5) In this regard, reliance is placed on the judgment dated 11th February, 2021 of the Hon'ble Division Bench passed in ***MAT 825 of 2020 (Adeel Uz Zaman v. The State of West Bengal & Ors.)***. It is also submitted that the ratio of ***Adeel Uz Zaman (supra)*** has been affirmed by the Hon'ble Special Bench *vide* judgment dated 7th February, 2024 passed on a batch of matters, first one being ***WPA 9921 of 2007 (Utpal Kanti Karan v. State of West Bengal & Ors.)***.
- 6) State respondents are represented by learned advocates who have submitted that a representation has been made on 14th March, 2025 to the District Inspector of Schools (S.E.), South 24 Parganas being respondent no.4 seeking sanction of postgraduate scale of pay. It is further submitted that since the issue is pending before the respondent no.4, same is required to be decided, in accordance with law.
- 7) Having considered the respective submissions made on behalf of the parties, writ petition stands disposed of directing respondent no.4 to decide the claim of the petitioner seeking sanction of postgraduate scale of pay on consideration of the representation dated 14th

March, 2025 within a period of eight (8) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative.

- 8) Respondent no.4 shall pass a reasoned order taking into consideration the ratio of ***Adeel Uz Zaman (supra)*** and ***Utpal Kanti Karan (supra)***.
- 9) The decision to be taken by respondent no.4 shall be communicated to the petitioner by fortnight thereafter.
- 10) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)