

27 23.06.2025
rkd Ct.18

W.P.A. 11992 of 2025

Md. Ashadul Golder

-vs-

The State of West Bengal & Ors.

Mr. K. C. Das,
Mr. Sk. Sashjahan

....for the petitioner.

Mr. Nadeem Sulaiman

....for the Madrasah Board.

Mr. Sirsanya Bandopadhyay,
Mr. Debopriyo Karan

....for the State.

Affidavit of service filed on behalf of the petitioner
is taken on record.

Petitioner is an Assistant Teacher in Education
in higher secondary section of a Government aided
school and has laid claim for sanction of postgraduate
scale of pay on acquiring postgraduate qualification in
relevant subject.

It is submitted by the learned advocate
representing the petitioner that he was appointed as
an approved Assistant Teacher on 1st November, 2008
and prior to his appointment he was undergoing
postgraduate course after taking admission on 1st July,
2006 in Netaji Subhas Open University.

It is also submitted that petitioner obtained
postgraduate qualification through distance mode of
Education from Netaji Subhas Open University in

2010. Therefore, after appointment on 1st November, 2008 as an approved Assistant Teacher he did not have any scope to seek prior permission from the concerned District Inspector of Schools (SE), North 24 Parganas for enrolling himself in higher course of study.

In this regard, reliance is placed on the judgment of the Hon'ble Division Bench passed in *Adeel Uz Zaman v. The State of West Bengal & Ors.* in MAT 825 of 2020 dated 11th February, 2021.

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 on a batch of matters first one being WPA 9921 of 2007 (*Utpal Kanti Karan v. State of West Bengal & Ors.*).

State respondents are represented by learned advocate who has submitted that a representation has been made on 25th March, 2025 to the 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.

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 25th March, 2025 within a period of eight weeks from date of communication of this order after granting opportunity of hearing to the petitioner or his representative.

Respondent no.4 shall also pass a reasoned order taking into consideration the ratio of **Adeel Uz Zaman** (supra) and **Utpal Kanti Karan** (supra).

The decision to be taken by respondent no.4 shall be communicated to the petitioner by fortnight thereafter.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)