

30.07.2025
Item No.12
Court No.11
Avijit Mitra

**MAT 907 of 2024
with
IA No. CAN 1 of 2024
with
IA No. CAN 2 of 2024**

**Sri Asis Kumar Bag
- Versus -
The State of West Bengal & ors.**

Mr. Anjan Bhattacharyya,
Mr. Jakir Hossain,
Sk. Abumusa
... for the appellant
Mr. Sirsanyo Bandyopadhyay,
Sr. Standing Counsel
Ms. Tapati Samanta
... for the State

In re: IA No. CAN 1 of 2024

As we have invited Mr. Bhattacharyya, learned advocate appearing for the writ petitioner/appellant herein, namely, Asis Kumar Bag (in short, Asis) to advance his arguments on the merits of the matter, the delay in filing the present appeal is condoned and the application for condonation of delay being IA No.CAN 1 of 2024 is disposed of.

The present appeal has been preferred challenging an order dated 30th January, 2024 passed by the learned single Judge in the writ petition, being WPA 24075 of 2014 which was preferred praying for issuance of necessary

direction upon the respondents to extend and grant the benefits of higher scale of pay to Asis for possessing the higher qualification i.e., the Bachelor degree in Library and Information Science. The said writ petition was dismissed by the learned single Judge observing *inter alia*, that the issue involved in the writ petition had already been decided by an Hon'ble Division Bench of this Court in the case of *Pradip Kumar Karak & ors. Vs. State of West Bengal & ors.* reported in 2018(4) CHN (Cal) 131 wherein it has *inter alia*, been held that only those librarians, who had acquired higher qualification before the cut-off date, i.e., 21st July, 1990 are entitled to the claim that they be treated at par with the librarians who were before the Hon'ble Supreme Court, as respondents, in Civil Appeal No.6967 and 6970 of 2009 (In re: *State of West Bengal & ors. v. Shibnath Koley & ors.*)

Mr. Bhattacharyya, learned advocate appearing for the appellant strenuously argues that benefits granted to similarly situated librarians of rural libraries had been denied to Asis. Such argument, as urged, was glossed over by the learned single Judge and the writ petition was dismissed in the absence of Asis.

Ms. Samanta, learned advocate appearing for the State respondents, however, denies and disputes the contention of Mr. Bhattacharyya and submits that indisputably Asis had not acquired higher qualification before the cut-off date i.e., 21st July, 1990 and that as such he is not entitled to the relief as claimed.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, Asis acquired higher qualification subsequent to the cut-off date, i.e., 21st July, 1990. Similar issue towards grant of higher scale of pay came up for consideration before a coordinate Bench of this Court in the case of *Pradip Kumar Karak (supra)*. The judgment delivered in the same was unsuccessfully assailed before the Hon'ble Supreme Court. Thus, the issue as to whether the librarians, who had acquired higher qualifications after the cut-off date i.e., July 21, 1990 are entitled to the benefits of higher scale of pay is no longer *res integra* and it has been decided that they are not entitled to the benefits of higher scale of pay. In the said conspectus,

the learned single Judge refused to grant the relief as claimed by Asis.

We do not find any infirmity in the said order and as such no interference is called for.

Accordingly, the appeal and the connected stay application are dismissed.

There shall, however, be no order as to costs.

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)