

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 13880 of 2024

Mili Mondal @ Mili Dalui Mondal
-versus
The State of West Bengal & Ors.

Mr. Sk. Sahjahan Ali
...For the petitioner

1. The decision of the District Inspector of Schools (Secondary Education), Purba Bardhaman dated 6th/8th November, 2023 rejecting the prayer of the petitioner for grant of higher scale of pay for her M.A. decree is impugned in the instant writ petition.

2. The prayer of the petitioner stood rejected as she did not submit any application or seek prior permission of the District Inspector of Schools for appearing in the M.A. examination.

3. It appears in the instant case that the petitioner got her admitted in the M.A. course prior to joining her service. She appeared in the M.A. part-I examination in the year 2005. The petitioner was recommended for appointment in February 2006 and she joined the service on 1st March, 2006.

4. The petitioner refers to the order dated 17th May, 2024 passed by this Court in WPA 25355 of 2023 (Raju Das v. The State of West Bengal & Ors.).

5. In Raju Das (supra), the Court took note of the Special Bench judgment in the matter of **Utpal Kanti Karan v. State of West Bengal & Ors.** reported

in **(2024) SCC online Cal 1274** wherein the Court held that a teacher who was pursuing higher studies before entering service would be governed by GO No.1595-SE(S) dated 26th December, 2005 and not by GO No.593-SE(B) dated 27th November, 2007.

6. Here, the District Inspector of Schools relied upon the Government Order dated 27th November, 2007 to reject the prayer of the petitioner. The same is contrary to the Memo dated 26th December, 2005.

7. In view of the above, the instant writ petition stands disposed of by directing the District Inspector of Schools (Secondary Education), Purba Bardhaman to take steps to consider granting higher scale of pay to the petitioner with effect from the last day of her post graduate examination.

8. If the claim of the petitioner is allowed, then the arrear dues of the petitioner shall be calculated and disbursed in her favour at the earliest.

9. The District Inspector of Schools shall ensure that all dues of the petitioner on account of her higher scale of pay, if payable, are positively released by 31st March, 2026.

10. The school is directed to render all co-operation to the aforesaid respondent at the time of making the necessary calculation.

11. The writ petition stands disposed of.

12. The impugned order dated 6th/8th November, 2023 stands set aside.

13. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

14. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)