

W.P.A. 12597 of 2025

**Sri Deb Kumar Panja
Vs.
The State of West Bengal & Ors.**

Mr. Narayan Chandra Bhandary
Mr. Sibendu De

...for the petitioner

Sk. Md. Galib
Mr. Manish Biswas

...for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner by presenting this writ petition has claimed sanction of postgraduate scale of pay for serving as an assistant teacher in a Government aided school since petitioner obtained postgraduate degree in 'Education' after being appointed as an assistant teacher with effect from 10th August, 1982.
3. Petitioner was first appointed as an assistant teacher on 10th August, 1982 and thereafter served as an approved headmaster in another school for the period from 20th May, 1997 to 19th May, 1998 and thereafter again joined the post of assistant teacher in previous school with effect from 20th May, 1998.

4. It is submitted on behalf of the petitioner since in consideration of his postgraduate degree in 'Education' petitioner manned the post of headmaster in another school from 20th May, 1997 to 19th May, 1998 he is entitled to receive postgraduate scale of pay after joining the post of assistant teacher in his first school with effect from 20th May, 1998.
5. While considering the prayer made on behalf of the petitioner to sanction postgraduate scale of pay in connection with his service as assistant teacher this Court finds that petitioner was approved as an assistant teacher with effect from 10th August, 1982 in consideration of his educational qualification B.Sc,B.Ed and was sanctioned pass graduate scale of pay. Approval memo was issued by the concerned District Inspector of Schools (SE) Kolkata on 13th July, 1983. Approval of appointment of the petitioner as pass graduate teacher goes to show that the post against which petitioner was appointed was meant for a candidate having pass graduate degree. Petitioner may have enjoyed higher scale of pay for manning the post of headmaster in another school from 20th May, 1997 to 19th May, 1998 but that does not confer right upon the petitioner to receive postgraduate scale of pay in connection with service he rendered as an

assistant teacher in the school from where he has retired.

6. It further appears that petitioner retired on superannuation on 31st July, 2019 and received all retiral dues and thereafter filed this writ petition on 10th June, 2025, precisely after a period of six years. Petitioner did not lay claim for sanction of postgraduate scale of pay during his tenure as assistant teacher.
7. It is already decided by the Special Bench in the judgment dated 7th February, 2024 passed on a batch of matters first one being **WPA 9921 of 2007 (Utpal Kanti Karan Vs. State of West Bengal & Ors.)** the staff pattern of the school is a relevant consideration for taking decision on sanction of postgraduate scale of pay. In the present case, petitioner worked as an assistant teacher in a school against a post which was meant for pass graduate candidate. Therefore, he is not entitled to receive postgraduate qualification notwithstanding enhancement of educational qualification.
8. Furthermore petitioner has approached this Court with this writ petition belatedly after expiry of six years from the date of retirement.
9. Hence, no relief can be granted to the petitioner.
10. Writ petition stands dismissed.

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

(Saugata Bhattacharyya, J.)