

21.02.2025
Court No.13
Item No.14
sudipta

MAT 688 of 2014
With
CAN 1 of 2014 (Old No. 4483 of 2014)
With
CAN 2 of 2014 (Old No. 5454 of 2014)

The State of West Bengal & Ors.
Vs.
Madhumita Banerjee & Ors.

Mr. Shamim Ul Bari, Adv.

....for the appellants.

Mr. Biswarup Biswas, Adv.

Mr. Dwarika Nath Mukherjee, Adv.

....for the respondent no. 1.

In Re: CAN 2 of 2014 (Old No. 5454 of 2014)

1. Sufficient grounds are available to explain the delay in filing the instant appeal.
2. In those circumstances, delay is condoned. The appeal shall be heard.
3. Accordingly, CAN 2 of 2014 is disposed of.

In Re: MAT 688 of 2014

4. The appeal is directed against the judgment and order dated 21st December, 2012 passed by the Single Bench of this Court. The Single Bench allowed higher pay scale to the petitioner on acquiring a post graduate degree based on a

decision dated 21st December, 2012 passed in W.P. 6546 (W) of 2006.

5. It is submitted that the said decision dated 21st December, 2012, has been complied with by the appellants, pursuant to a contempt proceeding being WPCRC No. 443 (W) of 2013.
6. It is submitted by the learned counsel for the respondent that the main issue i.e. the entitlement of Physical Education teacher to higher pay scale upon acquiring higher qualification has already been decided by a three-Judge Bench of this Court in the case of **Utpal Kanti Karan & Ors. Vs. State of West Bench & Ors.** reported in **2024 SCC OnLine Cal 1274**.
7. A copy of the order passed in WPCRC 443 (W) of 2013, and the decision of the full Bench in **Utpal Kanti Karan (supra)** are kept with the record.
8. It is further submitted that a clarification in connection with a full Bench decision, has also been issued by a Co-ordinate Bench in FMA 538 of 2020 by judgment and order dated 23rd December, 2024. The said order is also kept with the record.
9. In view of the above, MAT 688 of 2014 shall stand disposed of without any orders.

10. Consequently, all pending applications, if any, shall stand disposed of.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)