

24.12.2025
Sl. No.12(DL)
Ct. No.14
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 14148 of 2025

Quazi Tahamina Fatema

Versus

The State of West Bengal & Ors.

Sk. Sahjahan Ali

...for the Petitioner.

Mr. Sirsanya Bandyopadhyay,
Ms. Tapati Samanta

...for the State.

Mr. Nadeed Sulaiman

...for the Madrasah Board.

1. By the present writ petition, the petitioner seeks setting aside of the order dated 18th March, 2024 passed by the Director of Madrasah Education, West Bengal and also for taking steps for grant of higher scale of pay as a recognition of obtaining Masters degree in Education by the petitioner.
2. The petitioner contends that she joined Munshirhat Sadekia High Madrasah (HS), Cooch Behar on 30th December, 2011. The service of the petitioner was duly approved by the District Inspector of Schools (Secondary Education), Cooch Behar on 19th January, 2012. On 6th July, 2015, the petitioner made a prayer before the Secretary of the Managing Committee, Munshirhat Sadekia High Madrasah (HS), Cooch

Behar seeking permission to pursue a degree in postgraduate course in the subject of Education through distance mode. The managing committee adopted a resolution to grant permission to the petitioner to take admission and obtain a degree in the postgraduate in the subject of Education through distance mode without hampering the normal duties of the Madrasah. On 10th December, 2015, the Headmaster of the said Madrasah made a prayer seeking permission for pursuing Masters degree in Education by the petitioner before the office of the District Inspector of Schools (Secondary Education). The petitioner took admission in Netaji Subhas Open University and obtained her Masters degree in Education through distance mode in the year 2019. Thereafter, the petitioner made a request before the Secretary of the Managing Committee as well as the Headmaster of the said Madrasah for taking necessary steps for higher scale of pay recognising her Masters degree in Education. Subsequent thereto, on 18th March, 2024 the petitioner made an application to the Director of Madrasah Education, West Bengal for sanctioning the higher scale of pay recognising her Masters degree in Education, however such prayer was rejected by the Director of Madrasah Education on 18th March, 2024. Hence, this writ petition.

3. Mr. Sk. Sahjahan Ali, learned Advocate appearing for the petitioner submits that the obligation of a teacher comes to an end the moment the teacher applies before the Managing Committee of school for obtaining prior permission for enhancement of educational qualification. As per the settled-principle of law, prior permission of the District Inspector of Schools is not required. He seeks for setting aside of the impugned order dated 18th March, 2024 of the respondent No.2, Director of Madrasah Education and for grant of higher scale of pay in favour of the petitioner. In support of his contention, he relies on a decision of the Larger Bench of this Court passed in *Munshirhat Sadekia High Madrasah (HS) **Utpal Kanti Karan & Ors. versus State of West Bengal & Ors.*** reported in **(2024) SCC OnLine Cal 1274** as well as the orders passed by co-ordinate Benches of this Court in similar circumstances in (1) *Ujjwal Chandra versus The State of West Bengal & Ors. (In Re: WPA 26405 of 2025)*, (2) *Sanjay Mondal versus The State of West Bengal & Ors. (In Re: WPA 21965 of 2025)* and (3) *Jimut Mandal versus The State of West Bengal & Ors. (In Re: WPA 17585 of 2024)*.
4. Mr. Nadeem Sulaiman, learned Advocate representing the Madrasah Education also submits that the petitioner having taken permission from the managing committee is entitled to higher scale of pay,

since G.O. No.593-SE(B) dated 27th November, 2007 was set aside by the Larger Bench.

5. In similar circumstances in WPA 26405 of 2025, a co-ordinate Bench of this Court observed as follows:

“6. Whether non-forwarding of the resolution of the managing committee according prior permission to the petitioner to enhance his educational qualification will disentitle the teacher to receive higher scale of pay was considered by the Court in WPA No.29958 of 2016 in the matter of Narayan Chandra Barai -vs- The State of West Bengal & Ors. and order was passed on March 19, 2024 holding that the obligation of a teacher comes to an end the moment the teacher applies before the managing committee of the school for obtaining prior permission for enhancement of the educational qualification. Thereafter, it is the obligation of the managing committee to forward such resolution to the concerned DI of Schools for obtaining prior permission.

7. The Court in WPA No. 21965 of 2025 (Sanjay Mondal -vs- State of West Bengal && Ors.) passed order on November 14, 2025 in similar set of facts directing the concerned DI of Schools to take steps for grant of higher scale of pay.

8. As it appears that the facts of the present case are similar to the facts of the case of Sanjay Mondal (supra), the instant writ petition is disposed of on the same lines.”

6. It is found that the present petitioner applied before the Managing Committee which has granted permission to the petitioner to pursue Master's Degree. Thus, the petitioner is similarly circumstanced.
7. Accordingly, the order dated 18th March, 2024 of Director of Madrasah Education, respondent no.2 (Annexure P/7) is hereby set aside.
8. The respondent No.5, the District Inspector of Schools (Secondary Education), North 24-Parganas is directed to take steps for grant of higher scale of pay in accordance with the relevant rules at the earliest in favour of the petitioner but positively within a period of eight weeks from the date of communication of this

order. All consequential benefits shall be released to the petitioner without any delay.

9. Learned Advocate for the petitioner is directed to communicate this order to respondent No.5, District Inspector of Schools (Secondary Education), for necessary compliance.
10. With the aforesaid direction, the writ petition being **WPA 14148 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)