

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 14918 of 2025

15
rkd
13.08.2025
Ct.18
DO

Maitreyee Mallik

-vs-

The State of West Bengal & Ors.

Sk. Imtiaz Uddin

....for the petitioner.

Mr. Suman Ghosh,
Mr. Supriyo Mazumder

....for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner was appointed on 24th October, 2009 as an Assistant Teacher of Science Group and was sanctioned honours graduate scale of pay.
3. It needs to be recorded herein prior to that petitioner was working as an Assistant Teacher and was sanctioned pass graduate scale of pay.
4. Petitioner was appointed afresh with effect from 24th October, 2009. It is contended on behalf of the petitioner that at the time of joining the post on 24th October, 2009 petitioner was undergoing postgraduate course in Zoology under Vidyasagar University.
5. Petitioner appeared in Part-I examination of M.Sc.

in Zoology in 2009 and subsequently cleared Part-II examination in 2010 and obtained postgraduate qualification in Zoology.

6. Subsequently, the Headmaster of the school where petitioner is presently working forwarded a letter to the District Inspector of Schools (SE), South 24 Parganas being respondent no.3 for sanction of postgraduate scale of pay in favour of the petitioner. However, no decision was taken by the respondent no.3 on the said communication dated 16th October, 2012.
7. In this regard, reliance is placed on the judgment of the Hon'ble Division Bench passed in *Adeel Uz Zaman v. The State of West Bengal & Ors. in MAT 825 of 2020 dated 11th February, 2021*.
8. It is also submitted that the ratio of **Adeel Uz Zaman** (supra) has been affirmed by the Hon'ble Special Bench vide judgment dated 7th February, 2024 on a batch of matters first one being WPA 9921 of 2007 (*Utpal Kanti Karan v. State of West Bengal & Ors*).
9. It is further contended since petitioner was undergoing postgraduate course at the time of her appointment on 24th October, 2009 ratio of **Adeel Uz Zaman** (supra) and **Utpal Kanti Karan** (supra) shall apply while deciding her claim of sanction of

postgraduate scale of pay.

10. State respondents are represented by learned advocates.
11. It is submitted that since no formal decision has been taken by the respondent authorities, issue may be relegated to the respondent no.3 for taking decision.
12. Having considered the respective submissions made on behalf of the parties, leave is granted to the petitioner to make a representation within a period of two weeks from date claiming postgraduate scale of pay before the respondent no.3.
13. If representation is made within the aforesaid time, respondent no.3 is directed to decide the claim of the petitioner seeking sanction of postgraduate scale of pay by passing a reasoned decision within a period of eight weeks thereafter, after granting opportunity of hearing to the petitioner or her representative.
14. While taking such decision respondent no.3 shall follow the ratio of **Adeel Uz Zaman** (supra) and **Utpal Kanti Karan** (supra).
15. The decision to be taken by the respondent no.3 shall be communicated to the petitioner by ten days thereafter.

16. The writ petition stands disposed of.
17. However, there shall be no order as to costs.
18. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)