

03.04.2025.

PB

Sl. No.45.

Ct. No.25.

WPA 16352 of 2021

Ananda Sardar

Vs.

The State of West Bengal & Ors.

Mr. K. M. Hossain,
Falguni Bandopadhyay,
Ms. Riya Ballav.

... For the Petitioner.

Leave is sought for to make certain minor corrections in the cause title of the present writ petition by incorporating the word “District” as against the nomenclature of the respondent no.5. Leave is granted. Let necessary correction be made immediately.

This is a case which bears slight distinctive feature from the numerous similar other cases dealt with by this Court where in spite of after prayer of the petitioner and recommendation of the school authority, the D.I., is usually seen to have sat tight over the prayer of the petitioner for issuance of permission to be enrolled in a higher degree course.

For a change in this case, the Court finds record to show that by dint of a letter dated 15th March, 2013, the Additional District Inspector of Schools (SE), Purba Medinipur, Contai Sub-Division, has accorded

permission to the petitioner in advance, to be enrolled in M.A. course in English, through Distance Education Programme.

Fact remains that the petitioner after being inducted in Service with effect from 28th January, 2010, as a B.A. honours category teacher, has desired to enhance his qualification. The School Managing Committee has approved his prayer and subsequently as stated above, the Additional District Inspector of Schools (SE), Purba Medinipur, Contai Sub-Division, has also granted him necessary permission. Thus, he enrolled himself in the M.A. course and succeeded therein.

Since thereafter, he has been seeking to be placed in the higher category scale of pay meant for Master's Degree Teachers and duly prayed before the competent authority for that, that is, the School Managing Committee. By dint of its resolution dated August 23, 2018, the School Managing Committee has approved his prayer as above and sent recommendation to that effect to the District Inspector of Schools (SE), Purulia, by dint of the letter of the Headmaster dated 14th March, 2019.

Allegedly, since thereafter, there has been no progress with respect to the recommendation of the Headmaster of the school vide letter dated 14th March, 2019.

Mr. Hossain, learned advocate for the petitioner has relied on the Notification No.1595-SE(S) dated 26th December, 2005, to submit that pursuant to the provision thereof, the petitioner would be eligible for grant of higher pay scale, as prayed for.

None appears for the State respondent in spite of service of notice. Hence, the matter is taken up for adjudication in absence of the State respondent.

Having heard the learned counsel for the writ petitioner and after perusal and consideration of the records, this writ petition is disposed of by directing the respondent/District Inspector of Schools (SE), Purulia, to duly consider and decide as regards the prayer made in the letter of the Headmaster of the school dated 14th March, 2019, regarding grant of higher pay scale to the writ petitioner from the stipulated dated.

In doing so, the said respondent shall duly observe the provisions under the G.O. No.1595-SE(S) dated December 26, 2005, and the law settled, by dint of the judgments of this Court. He will allow the petitioner to submit the necessary documents before him, if any. He will afford opportunity of hearing and dispose of the prayer of the petitioner, by dint of a reasoned order.

Needless is to mention that in case, he finds the prayer of the petitioner a viable and cogent one and to be allowed, immediate necessary follow up orders shall

be passed for re-fixation of his salary and grant of arrear salary.

The entire exercise as above, should be concluded by the said respondent, within a period of three weeks from the date of communication of copy of this order.

With the direction as above, the writ petition is disposed of.

Since no affidavit is called for in this case, the allegations made in the writ petition, are deemed to have been denied by the respondents.

Urgent certified copy of this order, if applied for, shall be supplied to the parties, upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)