

17.09.2025
Court No. 18
Item No.09
(Suvendu)

WPA 17360 of 2025

Bappi Sarkar

-Versus-

The State of West Bengal & Ors.

Ms. Satabdi Das

.....for the petitioner

Mr. Subhasis Bandopadhyay

.....for the State

Mr. Rahul Deb Goenka

.....for the respondent nos. 4-6

1) In terms of order dated 3rd September, 2025 supplementary affidavit is filed and same is taken on record.

2) Petitioner was appointed as an Assistant Teacher in a Government aided school on 18th July, 2011 having qualification of BCA (Honours) in Computer Application and he was sanctioned Honours graduate scale of pay. Petitioner is an Assistant Teacher in higher secondary section of the school who was allowed to complete post graduation course i.e. Master of Computer Application from West Bengal University of Technology.

3) It is submitted by learned advocate representing the petitioner that petitioner

completed post graduate course in 2012 after petitioner was initially appointed on 18th July, 2011.

4) It needs to be recorded herein that petitioner was appointed against additional vacancy and retention order was passed vide memo dated 19th March, 2014 whereby petitioner was appointed substantively with effect from 18th July, 2013.

5) Petitioner prays for sanction of post graduate scale of pay on condoning requirement of obtaining prior permission from the concerned District Inspector of Schools (SE) as petitioner did not have opportunity to obtain prior permission taking note of the fact that petitioner commenced higher course prior to his appointment on 18th July, 2011 but completed said course in 2012. In this regard, reliance is placed on the judgment of the Hon'ble Division Bench dated 11th February, 2021 delivered in **MAT 825 of 2020 (Adeel Uz Zaman Vs. The State of West Bengal & Ors.)**. It is also submitted that view expressed by the Hon'ble Division Bench in **Adeel Uz Zaman** (supra) has been affirmed by the Larger Bench in the judgment dated 7th February, 2024 delivered on a batch of matters, first one being **WPA 9921**

of 2007 (Utpal Kanti Karan Vs. State of West Bengal & Ors.).

6) State respondents and concerned school authority are represented by learned advocates.

7) It is submitted on behalf of the school authority that prayer of the petitioner for sanction of post graduate scale of pay was duly forwarded to the concerned District Inspector of Schools (SE) for taking steps.

8) Petitioner has drawn attention of this Court to the memo dated 28th January, 2021 issued by the Assistant Secretary (General) of West Bengal Board of Secondary Education whereby leave was sanctioned from 2nd December, 2011 to 14th December, 2011 to facilitate the petitioner to participate in 3rd year MCA examination.

9) Leave is granted to the petitioner to make representation to the District Inspector of Schools (SE), Kolkata being respondent no. 3 seeking sanction of post graduate scale of pay by 26th September, 2025. If representation is made within aforesaid time, respondent no. 3 is directed to take decision on claim of the petitioner by eight weeks thereafter on granting opportunity of hearing to the petitioner and school authority or their representatives. Respondent no. 3 shall pass a reasoned order and same shall be

communicated to the petitioner by ten days thereafter. While taking decision, respondent no. 3 shall follow the ratio of **Adeel Uz Zaman** (supra) and **Utpal Kanti Karan** (supra).

10) Writ petition stands disposed of.

11) There shall be no order as to costs.

12) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)