

7.1.2025

WPA 18772 of 2015

Sheikh Estahar Ahmed.-vs—State of West Bengal & Ors..

ct.25, sl.243
sk

Mr. Himadri Barua
....for the petitioner.

The petitioner's grievance is against the order of the Additional District Inspector of Schools (Secondary Education), Uluberai, Howrah dated July 17, 2015. By dint of the same, his prayer for grant of higher pay scale pursuant to his enhanced qualification of M.A.degree, has been turned down by the said authority.

The petitioner's case is that he has been teaching in the respondent school in the subjects modern History as well as Bengali. Therefore, according to him, after upgradation of the school 2004, he should be considered eligible for grant of higher scale of pay in terms of higher qualification obtained by him, by that time.

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

On perusal of the impugned order dated July 17, 2015, it appears that by referring to G.O.No. 155-SE(B) dated July 13, 1999, the respondent/Additional District Inspector of Schools(S.E.), Uluberia, Howrah, has recorded that the petitioner having obtained higher degree in a subject which is not relevant to the subject and group of his teaching for appointment, would not be eligible for grant of higher pay scale.

The Court notices that the District Inspector of Schools while furnishing information about sponsoring institution as the higher secondary school has declared the qualification of the writ petitioner as M.A. in "Modern History".

It is also noted that the Headmaster of the School has certified the petitioner to be a bonafide approved assistant teacher, teaching the subject History in H.S. Section of the Institution, from the academic year 2005-2006.

There is no dispute in this case that the institution has been upgraded with effect from 2004 as a higher secondary school.

The Court, therefore, considers it proper to direct the respondent/District Inspector of Schools, Secondary Education, Uluberia, Howrah to reconsider the petitioner's prayer for grant of higher pay scale, afresh, on the basis of the documents as mentioned above.

In that event, the impugned order of the Additional District Inspector of Schools, Uluberia, Howrah dated July 17, 2015 is set aside.

Let the D.I./respondent no. 2 grants opportunity of hearing to the petitioner as well as let the respondent school considers the documents submitted by the petitioner before it.

The respondent no. 2 should pass a reasoned order in case, the prayer of the petitioner is not allowed by him.

Let the respondent no. 2 conclude the entire exercise as above within a period of six weeks from the date of communication of copy of this order.

The writ petition is disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the petitioner upon compliance of all formalities.

(Rai Chattopadhyay, J.)