

10.11.2025  
AGM  
Sl. No.17  
Ct. No.18.

**In The High Court At Calcutta  
Constitution Writ Jurisdiction  
Appellate Side**

**WPA 21859 of 2025**

Ujjal Kumar Marjit  
Vs  
The State of West Bengal & Ors.

Mr. Saibal Acharya.  
Mr. Dwarika Nath Mukherjee.  
Mr. Prodip Kumar Ghosh.  
.....for the petitioner.

Mr. Sandipan Maity.  
... For the State.

1. The petitioner's prayer seeking higher scale of pay stood rejected by the District Inspector of Schools (S.E), Birbhum.
2. Learned advocate for the petitioner submits that the issue in question has already been decided by the Hon'ble Special bench of this Court in the matter of **Utpal Kanti Karan & Ors.- Vs State of West Bengal & Ors.** reported in **2024 SCC Online Cal 1274.**
3. Reliance has also been placed on the order passed by the Co-ordinate Bench of this Court on

**26<sup>th</sup> June, 2024 in WPA 9132 of 2016 (Tapas Majhi -Vs- The State of West Bengal & Ors).**

4. Supplementary affidavit filed in Court today be kept with the records. It appears therefrom that the petitioner applied for higher scale of pay before the School authority in July 2004 and the issue is pending since then.
5. Without entering into the merit of the prayer of the petitioner, as it appears that the impugned order of rejection mentions about the Control of Expenditure Act, 2005 which came into existence after the petitioner enhanced his educational qualification, accordingly, the said Act cannot be given any retrospective operation.
6. The direction passed by the Hon'ble Special Bench in the matter of **Utpal Kanti Karan -Vs- The State of West Bengal & Ors.** (supra), holds the field.
7. The District Inspector of Schools is, accordingly, directed to re-consider the case of the petitioner strictly in terms of the direction passed by the Hon'ble Special Bench in the matter referred to hereinabove at the earliest but

positively within a period of twelve weeks from the date of communication of this order.

8. An opportunity of hearing shall be provided to the petitioner for production of all necessary documents and order of Court relied upon by him in support of his stand prior to passing a final order in the matter.
9. A reasoned order shall be passed and communicated to the petitioner.
10. If the prayer of the petitioner is allowed, then necessary consequential steps shall be taken without any further delay.
11. The impugned order of rejection dated 3<sup>rd</sup> June, 2025 stands set aside.
12. The writ petition stands disposed of.
13. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Amrita Sinha, J.)**