

21.01.2025.
PB
Sl. No.4.
Ct. No.25.

WPA 23158 of 2017

Munmun Biswas @ Munmun Halder (Biswas)
Vs.
The State of West Bengal & Ors.

Mr. Biswarup Biswas,
Mr. Pradip Kumar Show.
... For the Petitioner.

Mr. Susanta Pal,
Mr. Ananda Dulal Sarkar.
.....for the State.

The present writ petition being WPA 23158 of 2017 was earlier disposed of by the Hon'ble Co-ordinate Bench, vide order dated June 5, 2018.

In the same, the Hon'ble Court has directed as follows:-

“In such circumstances, the impugned order dated July 9, 2010, passed by the District Inspector of Schools (SE), Nadia, is set aside. The respondent no.3 is directed to give higher scale of pay to the petitioner from the date following the last date of the final examination of the Post Graduate course. The authorities will do the needful within a period of four weeks from the date of communication of this order.”

An appeal was preferred challenging the said order dated June 5, 2018, by the State, being MAT

1237 of 2018. The Hon'ble Appeal Bench decided the appeal, vide order dated July 15, 2019, thereby directing inter alia as follows:-

“We set aside the order impugned. We send the matter back to the learned Single Judge with a request to dispose of the writ petition afresh as early as possible. The appeal being MAT 1237 of 2018 is allowed.”

Hence the matter was relegated before this Bench for consideration afresh and judgment.

In the meantime, by dint of the order dated August 27, 2018, the District Inspector of Schools (SE), Nadia, in compliance with the Court's order dated June 5, 2018, in WP 23158 (W) of 2017 has granted post-graduate scale of pay to the present petitioner with effect from June 15, 2007, that is the day following the last date of her final examination in the post-graduate degree course. Subsequently, vide order dated November 12, 2018, re-fixation of the pay scale of the petitioner, has also been given effect to.

The facts as above, are not disputed in the present case. So far as the background of the facts of the present case is concerned, it appears that at the time of being inducted in service, the petitioner has already entered into for pursuing the Master's Degree course in the relevant subject and completed her Part-I examination. After being appointed on March 22, 2006, she, however, made her prayer before

the School Managing Committee for grant of permission to further pursue the said cause. Requisite permission was obtained and recommendation thereof, was sent by the School Managing Committee to the District Inspector of Schools (SE), Nadia.

Pending any reply from the said authority, however, the petitioner had concluded her post-graduate and obtained degree in M.Sc. (Mathematics).

In view of the factual background of the present case and the previous order of the Hon'ble Co-ordinate Bench dated June 5, 2018, the Court does not find any reason to deviate or differ therefrom.

On the contrary, the Court has further noted that the Hon'ble Larger Bench, in its judgment, in the case of Utpal Kanti Karan Vs. State of West Bengal & Ors. reported in 2024 SCC Online Cal 1274, has dealt with the similar circumstance and held about non-applicability of the Government Order No.593-SE(B)/ES/O/B/1M-98/2007 dated November 27, 2007, in a case like this.

Considering all above, the Court finds it proper to dispose of the present writ petition, by allowing the prayer of the writ petitioner. The Court has also taken into consideration the orders dated August 27, 2018 and November 12, 2018, whereby the petitioner has already been granted the higher pay scale and re-fixation of her salary.

Hence, the writ petition is disposed of with the direction and observation as above. It is needless to mention that the petitioner shall be entitled to pursue in accordance with law, in order to seek grant of her arrear salary due and outstanding, if any.

Since no affidavit has been called for, allegations made in the writ petition, shall be deemed to have not admitted by the respondents.

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

(Rai Chattopadhyay, J.)