

14-11-2025
Item No.28
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.21965 of 2025

Sanjay Mondal

-vs-

The State of West Bengal & Ors.

Mr. Shamim ul Bari
Ms. Jhilik Singha
Ms. Asmita Mitra ...for the petitioner

Mr. Sahabuddin Sarkar
Mr. Partha Sarathi Sen Sharma ...for the State

1. The petitioner is serving as assistant teacher of a school. He is aggrieved by the rejection of his prayer for grant of higher scale of pay on enhancement of his educational qualification by the District Inspector of Schools (SE), North 24 Parganas vide order dated 6/7th August, 2025 on the ground that the teacher did not seek prior permission for enhancing his qualification either from the managing committee of the school or the DI of Schools.
2. Learned counsel for the petitioner claims that the petitioner applied for obtaining the permission for admission in the M.Sc course through distance mode before the school authority on September 2, 2016. On the assurance given by the school authority to the petitioner to grant permission, he got himself admitted in the Master's degree course. The managing committee of the school took a resolution on October 1, 2016 to permit the petitioner to pursue the M.Sc course through

distance mode.

3. It has also been submitted that the petitioner diligently pursued the course and he is utilizing his knowledge of higher qualification for the benefit of the students of the school.
4. In support of the submission that the petitioner is not directly required to obtain permission from the DI of Schools for obtaining the higher scale of pay, learned counsel for the petitioner relies upon an order passed by this Court on March 19, 2024 in WPA No.29958 of 2016 in the case of **Narayan Chandra Barai –vs- The State of West Bengal & Ors.** wherein the Court was of the opinion that the obligation of a teacher comes to an end, the moment the teacher applies before the managing committee of the school for obtaining prior permission for enhancement of his/her qualification. The Court further observed that it is the obligation of the managing committee of the school, upon consideration of the said application, to forward the same to the DI of School for obtaining prior permission. The Court was pleased to set aside the impugned order rejecting the prayer for grant of higher scale of pay and directed the authority to grant the benefit of higher pay scale.
5. The respondent authority acted in terms of the order passed by the Court in the case of Narayan Chandra Barai (supra) and granted post-graduate scale of pay to the concerned teacher. Copy of the said sanction of the post-graduate scale of pay dated April 26, 2024 by the District Inspector of Schools (SE), Bankura has also been placed before this Court.

6. In the instant case, it appears that the petitioner sought for permission from the school authority on September 2, 2016; and on the assurance given by the school to accord permission for higher studies, the petitioner got himself admitted in the Master's degree course. The managing committee took a resolution in favour of the petitioner on October 1, 2016.
7. As per the decision of this Court in the case of Narayan Chandra Barai (supra), the petitioner was not obligated to obtain permission from the DI of Schools for enhancing his educational qualification. The teacher is only required to make an application before the managing committee for obtaining the permission.
8. It is the onus and the obligation of the school to forward the resolution adopted to the DI of Schools for obtaining the prior permission. Non-forwarding of the resolution by the school authority ought not to stand in the way of the teacher for obtaining the higher scale of pay.
9. Government Order No.593-SE(B) dated November 27, 2007 requires the teacher to seek prior permission of the concerned DI of Schools only when he/she wants to claim additional increment/higher scale of pay for obtaining the higher qualification through the managing committee of the school. The Government Order does not require the teacher to approach the DI of Schools directly. The approach is always to be made through the proper channel, that is, through the managing committee of the school.
10. Here, the teacher approached the managing committee and the managing committee adopted the resolution in favour of the teacher permitting

him to enhance his educational qualification.

11. In view of the above, it does not appear that the rejection of the petitioner's prayer for grant of higher scale of pay is proper. The same is contrary to the Government Order relied upon by the DI of Schools to reject the prayer of the petitioner.
12. In those circumstances, the impugned order of rejection dated 6/7th August, 2025 is set aside. The District Inspector of Schools (SE), North 24 Parganas is directed to take necessary steps for grant of higher scale of pay to the petitioner in accordance with the relevant Rules and in line with the order passed by the Court in Narayan Chandra Barai's (supra) case at the earliest but positively within a period of eight weeks from the date of communication of this order. The consequential benefit shall be released in favour of the petitioner without any further delay.
13. The writ petition is allowed.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

