

Ml- 14.01.2025
245 Ct.18
rkd

W.P.A. 23879 of 2023

Abhay Prasad

-vs-

The State of West Bengal & Ors.

Ms. Papiya Chattopadhyoy

....for the petitioner.

Mr. Shamim ul Bari,

Ms. Indrani Nandi

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition, *inter alia*,
petitioner has prayed for sanction of postgraduate
scale of pay for acquiring postgraduate degree in
History which is his relevant subject of teaching.

Petitioner was initially appointed in a school in
Siliguri on 8th December, 2003 and while he was
working in the school under the jurisdiction of District
Inspector of Schools (SE), Siliguri he obtained prior
permission from the said District Inspector of Schools
(SE) on 18th July, 2006 for completing higher course of
studies.

Petitioner appeared in M.A. Part-I and Part-II
examination in the year 2006 and 2007 respectively
and the leave which was availed by the petitioner was
duly approved by the authority of the West Bengal
Board of Secondary Education vide communication

which is at page 19 of the writ petition. Petitioner subsequently on transfer joined the post of Assistant Teacher in History with effect from 7th January, 2015 in Benachity Bharatiya Hindi High School.

However, petitioner is drawing Hons. graduate scale of pay in the present school as well as in the previous school though he acquired postgraduate qualification in the relevant subject in 2007. Petitioner prays for direction to sanction postgraduate scale of pay.

State respondents are represented by learned advocate who has submitted since permission was accorded to complete higher course of studies by the District Inspector of Schools (SE), Siliguri it would be apt to direct the District Inspector of Schools (SE), Siliguri to take decision on entitlement of the petitioner to receive postgraduate scale of pay.

Since petitioner is presently working in a school in Paschim Burdwan this Court finds it appropriate to direct the Commissioner of School Education, West Bengal being respondent no.2 to take decision on entitlement of the petitioner to receive postgraduate scale of pay.

Leave is granted to the petitioner to make a comprehensive representation to the respondent no.2 by fortnight from date and if such representation is

made within the aforesaid time, respondent no.2 shall pass a reasoned order by twelve weeks thereafter deciding whether petitioner is entitled to enjoy postgraduate scale of pay or not.

Before taking such decision respondent no.2 shall grant opportunity of hearing to the petitioner or his representative.

The decision to be taken by the respondent no.2 shall be communicated to the petitioner by one week thereafter.

Writ petition is disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)