

294 22.01.2025
ML Ct.18
KC

W.P.A. 26533 of 2023

Sabita Mandal

-vs-

The State of West Bengal & Ors.

Mr. K. M. Hossain

Mr. K. A. Ali

....for the petitioner.

Mr. Avijit Sarkar

....for the State.

Matter is heard in presence of the learned advocates for the petitioner and the State respondents.

Petitioner prayed for sanction of post graduate scale of pay in connection with her service in Bali Dhanamani Model High School, South 24-Parganas.

It is submitted by Mr. Hossain, learned advocate representing the petitioner that petitioner joined the post of Assistant Teacher in the aforesaid school on 20th March, 2006 and was granted Hons. Graduate Scale of Pay. At the time of joining the post on 20th March, 2006, petitioner was undergoing higher course of studies for acquiring post graduate degree in Mathematics, which is her relevant subject of teaching. Before joining the post on 20th March, 2006, petitioner completed

Part-I course and in 2006 after joining the post on 20th March, 2006, she completed Part-II course and passed Part-II examination. According to the petitioner, there was no scope to obtain prior permission from the concerned District Inspector of Schools (SE) for enrolling herself for higher course of studies, since at the time of joining the post on 20th March, 2006, she was undergoing higher course of studies. In support of such submission, reliance was placed on the judgment delivered by the Hon'ble Division Bench in **Adeel Uz Zaman Vs. State of West Bengal & Ors.** passed in intra-Court appeal being MAT 825 of 2020 dated 11th February, 2021. It is further contended that the ratio of Adeel Uz Zaman (supra) was affirmed by the Hon'ble Special Bench in the judgment dated 7th February, 2024 passed on a batch of matters first one was **WPA 303 of 2023 (Utpal Kanti Karan Vs. State of West Bengal & Ors.).**

However, it is submitted on behalf of the petitioner that subsequently she participated in another selection process conducted by the West Bengal Central School Service Commission and on being selected joined the post of Assistant Teacher in Mandirbazar Saradeswari Balika Vidyamandir (High School), South 24-Parganas w.e.f. 27th

August, 2010 and was sanctioned post graduate scale of pay. Therefore, petitioner prays for direction upon the concerned State authorities to sanction post graduate scale of pay during the period of her service as Assistant Teacher in Bali Dhanamani Model High School, South 24-Parganas.

State respondents are represented by learned advocate, who submits that till date no formal decision has been taken by the concerned District Inspector of Schools (SE) being respondent no. 3.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of by directing the respondent no. 3 to decide entitlement of the petitioner to receive post graduate scale of pay while petitioner was working as an Assistant Teacher in Bali Dhanamani Model High School, South 24-Parganas by passing a reasoned order after granting opportunity of hearing to the petitioner or her representative.

The aforesaid exercise shall be completed by respondent no. 3 by eight weeks from the date of communication of this order and same shall be communicated to the petitioner by one week thereafter. While taking decision, respondent no. 3

shall follow the ratio of Adeel Uz Zaman (supra) and the judgment of the Hon'ble Special Bench dated 7th February, 2024 passed in Utpal Kanti Karan (supra).

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)