

06.01.2025
Court No.18
Item 19 (ML)
CP

WPA No. 29692 of 2024

Sukumar Sautya
Vs.
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Golam Mohiuddin
Mr. Mridul Biswas
.... for the petitioner.

Mr. Rajarshi Basu
Mr. Ananda Dulal Sarkar
.....for the State.

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

By presenting this writ petition petitioner has
prayed for sanction of post-graduate scale of pay for
acquiring M.Sc. degree in Chemistry, though petitioner
was appointed as an Assistant Teacher under pass
graduate category with effect from July 25, 2011. It is
submitted by the learned advocate representing the
petitioner that at the time of participation in the
selection process conducted by the West Bengal
Madrasah Service Commission he could not acquire
post-graduate qualification. As a result whereof
petitioner had to participate in the selection process
being a pass graduate candidate. Before joining the
post of Assistant Teacher under pass graduate category
on and from July 25, 2011, petitioner acquired M.Sc.

degree in Chemistry which, according to the petitioner, makes him entitled to receive post-graduate scale of pay.

State respondents are represented by learned advocate who has opposed the prayer made by the petitioner seeking sanction of post-graduate scale of pay, based on the judgment dated February 7, 2024, delivered by the Hon'ble Special Bench on a batch of matters, first one being WPA 9921 of 2007 (Utpal Kanti Karan vs. State of West Bengal & Ors.).

On perusal of the writ petition, it appears that petitioner participated in 4th State Level Selection Test 2010 conducted by the West Bengal Madrasah Service Commission as a pass graduate candidate and based on his selection a recommendation memo was issued on June 22, 2011 by the Secretary, West Bengal Madrasah Service Commission for his appointment as an Assistant Teacher being a candidate under pass graduate category. Petitioner joined the post on July 25, 2011 and pass graduate scale of pay was sanctioned in his favour after being recommended by the West Bengal Madrasah Service Commission on June 22, 2011 and prior to joining the post of Assistant Teacher on July 25, 2011, petitioner obtained post-graduate qualification on July 23, 2011.

It transpires that petitioner was appointed as an Assistant Teacher in a Madrasah under pass graduate

category, since he participated in the 4th State Level Selection Test, 2010, being pass graduate candidate. There is nothing on record to substantiate the claim of the petitioner for sanctioning post-graduate scale of pay based on the staff pattern which was prevailing in the concerned Madrasah and being a post-graduate teacher whether petitioner could be accommodated in the said staff pattern or not. If staff pattern does not permit a teacher to function under the post-graduate category, he does not have right to claim post-graduate scale of pay.

In addition thereto, indisputably petitioner was appointed as an Assistant Teacher under pass graduate category. Therefore, subsequent obtainment of post-graduate qualification does not make him entitled to claim post-graduate scale of pay as the petitioner participated in the selection process and competed with candidates under pass graduate category.

In this regard, reliance is placed on paragraph 183 of Utpal Kanti Karan (*supra*), wherein it has been specifically held by the Special Bench that a teacher who has entered service in the pass graduate category, shall not be entitled to higher scale of pay merely because he has acquired higher qualification subsequent thereto or prior to his appointment.

Hence, this Court does not find merit in this writ petition and the same stands dismissed.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, shall be furnished to the parties, at an early date upon completion of usual formalities.

(Saugata Bhattacharyya, J.)