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15.01.2025
Ct. No. 18
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W.P.A. 30875 of 2024

**Niru Hazra
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Mr. Syed Mansur Ali
Mr. Alaudding Ahmed
..for the petitioner
Mr. Biswabrata Basu Mallick
Ms. Parna Roy Chowdhury
...for the State

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

By presenting this writ petition challenge has been thrown to order dated 3rd October, 2023 by which District Inspector of Schools (SE) Barrackpore, North 24 Parganas being respondent no. 3 has refused to sanction postgraduate scale of pay in favour of the petitioner. The impugned order is at page 47 of the writ petition wherefrom it appears that the said order is bereft of cogent reasons. Furthermore, it transpires that mechanically prayer of the petitioner to sanction postgraduate scale of pay was refused. An administrative authority while deciding the claim of a teacher seeking higher scale of pay, is required to apply his mind and disclose reasons as to why the said authority comes to a conclusion which may be adverse to the teacher

concerned or may come in his favour. In absence of reasons as it appears from the impugned order dated 3rd October, 2023 the said order cannot survive.

Hence, impugned order dated 3rd October, 2023 passed by the respondent no. 3 stands set aside. The respondent no. 3 is directed to re-visit the issue relating to sanctioning postgraduate scale of pay in favour of the petitioner and while taking decision respondent no. 3 shall follow the judgment of the Special Bench dated 7th February, 2024 passed on a batch of matters first one being **WPA 9921 of 2007 (Utpal Kanti Karan Vs. State of West Bengal & Ors.)**. It needs to be recorded herein that Assistant Secretary, Government of West Bengal vide order dated 18th December, 2024 has requested all the District Inspectors of Schools (SE) to follow the judgment of the Special Bench dated 7th February, 2024 while deciding the issue of sanctioning higher scale of pay.

Respondent no. 3 is directed to pass a reasoned order after granting opportunity of hearing to the petitioner or his representative by 8 (eight) weeks from the date of communication of this order and same shall be communicated to the petitioner by 1 (one) week thereafter.

Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)