

S/L 50
07.01.2025
Court. No. 3
Sourav

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

WPA 257 of 2021

**Md. Ashadul Sk.
Vs.
The State of West Bengal & Ors.**

*Mr. Shaktipada Jana
Ms. Madhushri Dutta*

...for the petitioner.

*Mr. Hirak Barman
Mr. Pretom Das*

...for the State.

1. Since the affidavit-in-opposition as filed by the State/respondents is not traceable, this Court requests the learned advocate for the State to file an authenticated copy of the affidavit-in-opposition.
2. As per request made by this Court, learned advocate for the respondents/State files an authenticated copy of the affidavit-in-opposition and the same is taken on record.
3. The writ petitioner is aggrieved for non-consideration of his prayer for higher scale of pay by the respondent no. 4 i.e., the District Inspector of Schools (S.E.), Jalpaiguri.
4. It is the case of the writ petitioner that the writ petitioner was appointed on 14.07.2011 in the respondent no. 5's school as an Assistant Teacher of Mathematics (Hon's) of Science Group and he joined in the said post on 25.07.2011.
5. It is the further case of the writ petitioner that on his application, the respondent no. 5 i.e., the Managing

Committee of the School where he was appointed granted him permission to pursue M.Sc. course in Mathematics. On 27.06.2016, the writ petitioner obtained the certificate from the concerned university regarding acquiring of degree in M.Sc. Mathematics (PGMT). The writ petitioner made a prayer before the respondent no. 4/authority on February 20, 2020 for grant of post graduate scale as per the provision of Section 14(3) of the West Bengal Schools (Control of Expenditure) Act, 2005 (hereinafter referred to 'the said Act' of 2005).

6. In course of his argument, Mr. Jana, learned advocate appearing on behalf of the writ petitioner in virtual mode submits that the law in this regard has been settled by a larger Bench of this Court in WPA 9921 of 2007 (*Utpal Kanti Karan Vs. State of West Bengal & Ors.*). Mr. Jana thus requests this Court to allow the instant writ petition granting relief to the writ petitioner as per prayers made in the writ petition.
7. In course of his submission, learned advocate for the State though opposes such prayer but he concedes that in the aforementioned judgment of *Utpal Kanti Karan (Supra)*, the larger Bench has decided the ratio in this regard.
8. In view of such and while disposing the instant writ petition, this Court directs the respondent no. 4 i.e., the District Inspector of Schools (S.E.), Jalpaiguri to

consider the instant writ petition as a representation of the writ petitioner in the light of the decision of the larger Bench in the case of *Utpal Kanti Karan (Supra)* and after giving an opportunity of hearing to the writ petitioner shall pass a reasoned order and shall communicate the said reasoned order to the writ petitioner forthwith preferably through mail, if the mail details of the writ petitioner is provided to him at the time of hearing by the writ petitioner.

9. It is further directed that the entire exercise as indicated in the foregoing paragraph is to be completed by the respondent no. 4 within two months from the date of communication of this order.
10. Learned advocate for the State is hereby requested to communicate the server copy of this order to the respondent no. 4.
11. Liberty is given to the learned advocate for the writ petitioner to communicate the server copy of this order to the respondent no. 4 also.
12. The respondent no. 4 is directed to act on the server copy of this order.
13. The time limit as fixed by this Court is mandatory and preemptory.
14. With the aforementioned observations, the instant writ petition being **WPA 257 of 2021** is thus disposed of.

15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)