

*D/L-13  
09.01.2025  
Court. No. 3  
Aritra*

**In the High Court at Calcutta  
Circuit Bench at Jalpaiguri  
Appellate Side**

**WPA 2708 of 2024**

**Dipta Pal  
Vs.  
The State of West Bengal & Ors.**

*Mr. Sk. Sahjahan Ali  
Ms. Madhushri Dutta  
....for the petitioner*

*Ms. Bedashruti Bose  
Ms. Pratusha Dutta Chowdhury  
....for the State*

1. The affidavit of service as filed today is taken on record.
2. By filing the instant writ petition the writ petitioner has prayed for issuance of an appropriate writ/writs for cancellation of the memo dated August 11, 2021 as issued by the respondent No.3 i.e., The D.I. of Schools (SE), Cooch Behar, whereby and whereunder the said respondent No.3 cancelled the sanction for enhanced educational qualification as granted under memo dated 14/07/2021.
3. It is pertinent to mention herein that under cover of memo dated 14/07/2021 the respondent No.3 authority accorded permission for fixation enhanced scale of pay on account of enhancement of educational qualification of the writ petitioner from Honours to Post Graduate. However, by issuing the impugned memo dated August 11, 2021 the said permission was recalled on the ground that while

acquiring the higher qualification prior permission of D.I. of Schools (SE) was not obtained and no such prayer for permission was forwarded to the D.I. of schools through the Managing Committee of the said school.

4. At the time of hearing Mr. Ali learned advocate appearing on behalf of the writ petitioner, in virtual mode draws attention of this Court to page No.23 of the writ petition, wherefrom it reveals that the writ petitioner completed her Part-I examination in M.Sc. Physics on 14/01/2009. From page No.26 of the writ petition it reveals that on 19/09/2009 the writ petitioner joined the Pakhihaga Gour Sundari High School of the respondent No.5 as an Assistant Teacher in Physics (H/PG).
5. Mr. Ali next draws attention of this Court to the page No.38 of the writ petition wherefrom it reveals that on 04/10/2010 the writ petitioner completed her Part-II examination in M.Sc. Physics. It is contended that after obtaining M.Sc. degree the writ petitioner approached the respondent No.3 for higher scale of pay which was granted vide memo dated 14/07/2021 which was however revoked by a subsequent memo dated 11/08/2021 which is impugned in the instant writ petition.
6. It is submitted by Mr. Ali that the reason for cancellation of sanctioned order dated 14/07/2021 as has been indicated vide memo dated 11/08/2021 is contrary to the settled principles of law as has been held in a Special Bench judgment of this Hon'ble Court in the case of '**Utpal**

**Kanti Karan vs. State of West Bengal & Ors.’ in WPA 9921 of 2007.**

7. For effective adjudication of the instant *lis* the relevant portion of the aforesaid judgment is required to be looked into and the same is reproduced hereinbelow:

*“g) If a teacher has partially completed higher study before entering service he/she would come under purview of G.O.No.1595-SE(S) dated 26<sup>th</sup> December, 2005 and the question of taking permission from DIS-SE would not arise.”*

8. In view of such settled principles of law as discussed supra and as has been held by the Special Bench of this Hon’ble Court, this Court has got no hesitation to hold that the reason for cancellation of the earlier sanctioned order dated 14/07/2021 as has been communicated to the writ petitioner vide memo No.555/Estt. Dated 11/08/2021 is contrary to the law and the same cannot be allowed to stand. Consequently, the instant writ petition stands hereby allowed.
9. Consequently, the memo No.555/Estt. dated 11/08/2021 is hereby quashed and set aside.
10. Consequently, the memo No.113/1(3)/G.A/Din dated 14/07/2021 as issued by the respondent No.3 stands hereby revived.
11. Consequently, the respondent No.3 is hereby directed to grant all consequential benefits to the writ petitioner as accrued by virtue of the aforesaid memo dated 14/07/2021 positively within three months from the date of communication of this order.

12. With the aforementioned observation the instant writ petition being **WPA 2708 of 2024** is disposed of.
13. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

*(Partha Sarathi Sen, J.)*