14th Oct., 2026

Item no.D/L 22
Court No. 24

Pradip, A.R.(Ct.)

In the High Court at Calcutta

Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 7438 of 2026**

In the matter of:

Amal Kumar Sarkar

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Sakti Pada Jana
Mr. Subhajyoti Das

....Advocates

For the State:

Ms. Mary Dutta
Ms. Aparajita Mitra

....Advocates

1. Affidavits of service filed in Court today are taken on record.

2. The reasoned order dated 25th November, 2019 passed by the District Inspector of Schools (Secondary Education), North 24 Parganas rejecting the petitioner's prayer for grant of higher scale of pay is impugned in the instant writ petition.

3. The petitioner is a Work Education and Physical Education Teacher. He was recommended for appointment on 31st October, 2002 and joined on 18th November, 2002. He obtained the master degree qualification in Physical Education in 2002. The petitioner prays for grant of higher scale of pay in parity with his educational qualification.

4. The District Inspector of Schools has rejected the prayer of the petitioner on the ground that the petitioner will not be entitled to Post Graduate scale of pay as he was appointed under the Pass Graduate category as per the GO No.155-SE(B) dated 13th July, 1999.

5. The reasoning given by the DI is contrary to the orders passed by the courts from time to time.

6. Prayer has been made to set aside the impugned order and further directing the authority to accord higher scale of pay to the petitioner.

7. Learned advocate for the State defends the impugned order and submits that the petitioner will not be entitled to the higher scale of pay.

8. I have heard the submissions made on behalf of both the parties and perused the materials placed before the Court.

9. The issue as to whether the Physical Education teachers would be entitled to receive the higher scale of pay has been decided by the Court in Prasanta Kanti Bose v. State of West Bengal reported in 2026 (2) CHN (CAL) 164 wherein the Court specifically held that the issue as regards entitlement of post graduate scale of pay to teachers in Physical Education and Work Education group has been considered in the judgment delivered in the matter of Baishali Banerjee v. State of West Bengal & Ors. reported in 2008 (2) CLJ (Cal) 472.

10. The Court specifically held that in Physical Education, there is no distinction between pass and honours category and, as such, Physical Education teachers with master degree in Physical Education would be entitled to post graduate scale of pay notwithstanding the fact that post graduate degree in Physical Education was not necessary for appointment as Assistant Teacher in Physical Education.

11. The Hon'ble Larger Bench in the matter of Utpal Kanti Karan & Ors. v. State of West Bengal & Ors. reported in 2024 SCC OnLine Cal 1274 clearly laid down that if a teacher partially completed

higher study before entering service, he would not be required to take further permission from the District Inspector of Schools.

12. Once an issue has been decided and the matter is referred back to the authority for taking a decision relying on the said judgment, then the authority ought to have taken steps in terms of the law laid down by the said judgment. The reason provided by the District Inspector of Schools to reject the prayer of the petitioner does not appear to be proper and clearly contrary to the law laid down by the Hon'ble Court.
13. In view of the above, the impugned order of the District Inspector of Schools (SE), North 24 Parganas dated January 25th November, 2019 cannot be held to be maintainable in the eye of law. The same is liable to be set aside and is, accordingly, set aside.
14. The District Inspector of Schools (Secondary Education), North 24 Parganas is directed to re-calculate the salary of the petitioner after providing the higher scale of pay taking into consideration his master degree qualification in Physical Education on and from the date of joining in service.
15. Steps shall be taken by the District Inspector of Schools in this regard at the earliest but positively within a period of twelve weeks from the date of communication of this order.
16. All arrear payment shall be cleared positively within a period of six months from the date of communication of this order.
17. The writ petition stands disposed of.
18. Parties to act on the basis of the server copy of this order duly downloaded from the official website of this Court.
19. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)