06-10-2026
Item No.12
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.15763 of 2026
Sanjib Das
-vs-
The State of West Bengal & Ors.

Sk. Sahjahan Ali ...for the petitioner

Biswajit Mukherjee
Sayantana Chatterjee ...for the State

1. The petitioner seeks higher scale of pay on enhancement of his educational qualification. His prayer stood rejected by the District Inspector of Schools (SE), Murshidabad vide communicating order dated August 9, 2021 on the ground that the petitioner did not obtain any prior permission of the concerned DI of Schools.

2. G.O. No.593-SE (B) dated November 27, 2007 has been relied upon for rejecting the claim of the petitioner.

3. The applicability of the aforesaid Government Order was considered by the Special Bench of this Court in the matter of **Utpal Kanti Karan & Ors. –vs- State of West Bengal & Ors.** reported in **(2024) SCC OnLine Cal 1274** wherein the Court was pleased to set aside the said Government Order.

4. The petitioner submits that he obtained the prior permission of the school where he was teaching prior to taking admission in the Master's degree

course. According to the DI of Schools, the resolution of the managing committee was not forwarded to the DI.

5. Whether non-forwarding of the resolution of the managing committee according prior permission to the petitioner to enhance his educational qualification will disentitle the teacher to receive higher scale of pay was considered by the Court in **WPA No.29958 of 2016** in the matter of **Narayan Chandra Barai –vs- The State of West Bengal & Ors.** and order was passed on March 19, 2024 holding that the obligation of a teacher comes to an end the moment the teacher applies before the managing committee of the school for obtaining prior permission for enhancement of the educational qualification. Thereafter, it is the obligation of the managing committee to forward such resolution to the concerned DI of Schools for obtaining prior permission.

6. The Court in **WPA No. 21965 of 2025** (**Sanjay Mondal –vs- State of West Bengal & Ors.**) passed order on November 14, 2025 in similar set of facts directing the concerned DI of Schools to take steps for grant of higher scale of pay.

7. As it appears that the facts of the present case are similar to the facts of the case of Sanjay Mondal (supra), the instant writ petition is disposed of on the same lines.

8. The concerned DI of Schools is directed to take necessary steps for grant of higher scale of pay to the petitioner in accordance with the relevant Rules at the earliest but positively within a period of eight weeks from the date of communication of this order. All consequential benefits shall be released to the petitioner without any delay.

9. The impugned order of rejection dated August 9, 2021, therefore, stands set aside.

10. All parties are to act on the server copy of this order duly downloaded from the official website of this court.

11. Certified server copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]