

09-02-2026
Item No.17
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.19516 of 2023

Tushar Maity

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Ms. Sudipta Pramanik ...for the petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee ...for the State

1. The petitioner claims higher scale of pay.
2. Case made out by the petitioner is that prior to joining the service, his M.Sc course stood completed. However, the examination was yet to be held. During his service period, the petitioner obtained leave and appeared in the examination. Study leave taken by the petitioner to appear in the examination was sanctioned by the West Bengal Board of Secondary Education.
3. Prayer made by the petitioner for grant of higher scale of pay was forwarded by the Additional District Inspector of Schools (SE), Ghatal to the Commissioner of School Education in June 2019. There is no reply till date.
4. Learned counsel for the petitioner relies on the judgment delivered by the Hon'ble Division Bench of this Court on February 11, 2021 in **MAT No.825 of 2020 with CAN No.1 of 2021 (Md. Adeel Uz Zaman -vs- The State of West Bengal & Ors.)** in support of his submission that the DI

of Schools ought to have allowed the prayer of the petitioner for grant of higher scale of pay as there was no scope of obtaining prior permission since the petitioner took admission and completed postgraduate course prior to joining in service.

5. Reliance has also been placed on the judgment delivered 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.**
6. It has been submitted on behalf of the petitioner that the prayer of the petitioner for grant of higher scale of pay ought to be allowed by the DI of Schools.
7. Learned counsel for the State, on the other hand, submits that the issue is pending consideration before the Commissioner of School Education.
8. From the documents annexed to the writ petition, it appears that the Additional District Inspector of Schools forwarded the prayer of the petitioner for grant of higher scale of pay way back in June 2019. Till date there is no response to the same.
9. Accordingly, instead of directing the Commissioner of School Education to look into the matter, the Court is inclined to dispose of the writ petition directing the concerned DI of Schools to take a decision on the petitioner's prayer for grant of higher scale of pay relying on the judicial precedents mentioned hereinabove. An opportunity of hearing shall be granted to the petitioner prior to passing final order in the matter.
10. A decision shall be taken by the said respondent at the earliest but positively within a period of twelve weeks from the date of communication of

this order. A reasoned decision shall be passed and communicated to the petitioner.

11. If the petitioner's prayer is allowed, then necessary consequential steps shall be taken without any further delay.
12. The writ petition is disposed of.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
14. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]