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06.01.2026
Ct. No. 11
rrc

FMA 1491 of 2025
with
IA No. CAN 1 of 2025
(Sri Deb Kumar Panja Vs. The State of
West Bengal & Ors.)

Mr. Narayan Chandra Bhandary
Mr. Sibendu De
..... For the appellant

Sk. Md. Galib, Sr. Govt. Adv.
Mr. Manish Biswas
..... For the respondent nos. 1 to 4

The present appeal has been preferred challenging an order dated 2nd July, 2025 passed by the learned single Judge in the writ petition being WPA 12597 of 2025. By the said order, the writ petitioner's prayer for grant of post graduate scale of pay was refused and the writ petition was dismissed.

Mr. Bhandary, learned advocate appearing for the writ petitioner/appellant submits that the learned single Judge ought to have appreciated that the appellant became entitled to post graduate scale of pay in the year 1986 having obtained the post graduate degree in Education but without any reason such benefit was belatedly granted with effect from 5th November, 2000. Aggrieved thereby, the appellant herein along with one Mukul Chakraborty preferred a writ petition which was disposed of directing the Director of School Education to pass an appropriate order. Pursuant to such direction, the claim of the writ petitioners therein was rejected by an order dated 14th January, 2000.

Aggrieved by the said order, Mukul Chakraborty preferred a writ petition and ultimately the State respondents granted the benefits of post graduate scale of pay to Mukul Chakraborty, who is similarly situated with the writ petition. Such arguments, as advanced, were glossed over by the learned single Judge and no finding was returned on the same.

Drawing the attention of this Court to a Treasury Challan annexed at page 28 of the supplementary affidavit, Mr. Bhandary submits that the respondents could not have recovered an amount of ₹20,260/- pertaining to the period from 1st January, 1988 to 21st May, 2002. The said amount could not have been recovered from the appellant after cessation of the employer-employee relationship with effect from 31st July, 2019.

Mr. Galib, learned senior Government advocate appearing for the respondent nos. 1, 2, 3 and 4 denies and disputes the contention of Mr. Bhandary and submits that the appellant acquired higher qualification in Education which was not relevant to the Group in which he was appointed initially. However, after upgradation of the said school, he was granted post graduate scale of pay with effect from 5th November, 2000 and the same was accepted by the appellant. In view thereof, the appellant cannot turn back and claim disbursement of higher scale of pay with effect from the date he acquired the higher qualification, i.e., from 28th June, 1986 till 4th November, 2000 except the

period during which he served as a Headmaster of a different school.

Mr. Galib argues that the issue of recovery of an amount of ₹20,260/- was never the subject matter of challenge in the writ petition. The said issue has been sought to be agitated by filing a supplementary affidavit in connection with the present appeal. The appellant, in fact, was not entitled to the incremental benefits pertaining to the said period and in support of such contention, he has placed reliance upon a memo no. 59-GA dated 16th January, 1982.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The following facts are not in dispute. The appellant was appointed and approved as an assistant teacher in the Dhakuria Sree Ramkrishna Vidyapith with the qualification B.Sc., B.Ed. with effect from 10th August, 1982 and was granted the pass graduate scale of pay. Subsequent thereto, he served as Head Master in Dhanghara Jnanendra Vidyapith, Purba Medinipur with effect from 20th May, 1997 to 19th May, 1998 on '*lien*' and thereafter upon resignation, he returned to his parent school and continued to enjoy the post graduate scale of pay as was initially granted to him on and from 5th November, 2000. Claiming the post graduate scale of pay with effect from the date he acquired higher qualification, the appellant preferred a joint writ petition with one Mukul Chakraborty. The Director of School Education, rejected their claim by an order dated 14th

January, 2000. The said order was never challenged by the appellant till he retired on 31st July, 2019.

In the backdrop of such facts and as the appellant had approached the writ Court about six years after retirement, the learned single Judge refused to exercise discretion in his favour.

Admittedly, the employer-employee relationship between the appellant and the State ceased on 31st July, 2019. The appellant's prayer for post graduate scale of pay with effect from 1986 till 4th November 2000 was rejected by the Director of School Education way back on 14th January, 2000. No steps were taken by the appellant to challenge the said decision. Such claim for post graduate scale of pay, in our opinion, cannot be reinvigorated at this stage.

The learned single Judge upon considering the factual issues arrived at specific findings and we do not find any error in the same.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)