

21.01.2026
Sl. No.15(DL)
Ct. No.14
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 21383 of 2025

Dabir Hossain

Versus

State of West Bengal & Ors.

Syed Mansur Ali

...for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for cancellation/withdrawal of the letter of the Headmistress, Haldia Masnad-E-Ala Girls' High Madrasah dated 19th May, 2025 (Annexure P8) refusing to issue non-drawal certificate to the petitioner for Post-graduate scale of pay.
3. The petitioner contends that he joined in Haldia Masnad-E-Ala Girls' High Madrasah, Purba Medinipur on 30th October, 2009 as an Assistant Teacher in Arabic (Hons./PG category). At the time of joining, the petitioner had completed M.A. Part-I examination. M.A Part-II examination was due to be held subsequently. On the prayer of the petitioner seeking permission to appear in M.A. Part-II examination, Managing Committee of the said Madrasah accorded necessary

permission to the petitioner. The petitioner appeared in M.A. Part-II examination and has completed the same in the year 2010. The petitioner was granted Post-graduate scale of pay with effect from 23rd July, 2010. Subsequent thereto, the petitioner was transferred to Pandua Sultania High Madrasah, in the district of Hooghly and he joined on 5th January, 2013. The petitioner is getting Post-graduate scale of pay in his new place of posting since his joining. However, the petitioner was not paid Post-graduate scale of pay during the period from 23rd July, 2010 to 4th January, 2013 in his earlier posting. Ultimately, the petitioner approached the respondent authorities for releasing the arrear salary as per Post-graduate scale of pay for the aforesaid period. The District Inspector of Schools (SE), Purba Medinipur *vide* letter under Memo No.386-S dated 24th March, 2025 asked the Headmistress of the Haldia Masnad-E-Ala Girls' High Madrasah to furnish the non-drawal certificate in favour of the petitioner for the period from 23rd July, 2010 to 4th January, 2013 for obtaining higher scale of pay. However, the Headmistress, the respondent No.6 did not provide the non-drawal certificate and declared that the petitioner is not eligible to get higher scale of pay. The claim of the petitioner for higher scale of pay and arrears is still pending with the authority for non-submission of non-drawal certificate by respondent No.6. Being aggrieved

by action of the respondent authorities, the petitioner has preferred the present writ petition.

4. Syed Mansur Ali, learned Advocate for the petitioner submits that the District Inspector of Schools (SE), Purba Medinipur sanctioned the Post-graduate scale of pay in favour of the petitioner while the petitioner was posted in Haldia Masnad-E-Ala Girls' High Madrasah in the year 2011. The petitioner subsequently was transferred to the Pandua Sultania High Madrasah, District-Hooghly in the year 2013. The petitioner was not paid Post-graduate scale of pay in his earlier place of posting for the period 23rd July, 2010 to 4th January, 2013. The petitioner has approached the respondent authorities, however, the same is still pending consideration with the authority due to non-submission of non-drawal certificate by the respondent No.6. He seeks that the matter be relegated to the Director of Madrasah Education to take a decision with regard to grant of Post-graduate scale of pay and arrears in favour of the petitioner.
5. Mr. Rudranil De, learned Advocate for the State-respondents also submits that the matter be sent to the respondent No.2 to decide on the aspect as raised in the writ petition.
6. Notice sent to the respondent No.6 has been refused. None appears on behalf of the respondent No.6.
7. In view of the submissions advanced on behalf of the appearing parties and the contention as raised in the

writ petition, the respondent No.2, Director of Madrasah Education, Government of West Bengal is directed to consider the prayer of the petitioner for grant of Post-graduate scale of pay and arrears upon notice to the petitioner as well as all the interested parties in accordance with law by passing a reasoned order within a period of eight weeks from date of communication of this order.

8. The reasoned order shall be communicated to the petitioner within a week of passing of such order.
9. Learned Advocate for the petitioner is directed to communicate this order to the respondent No.3, the Director of Madrasah Education, Government of West Bengal, for necessary compliance.
10. With the above direction, the writ petition being **WPA 21383 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)