

S/L 12
11.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 26236 of 2025

Abhijit Panda

Vs.

The State of West Bengal & Ors.

Mr. Ujjal Ray
Sk. Abdur Rahim

...for the Petitioner.

Mr. Pritam Choudhury
Mr. Jahangir Hossain

...for the State.

Ms. Saswati Chatterjee

...for the WBBSE.

1. The petitioner's prayer for recording his enhanced qualification for grant of higher scale of pay has been disallowed by the Kapatkhanda High School (H.S.) where the petitioner is currently serving. The petitioner is aggrieved by the same.

2. The petitioner got transferred to the said school in the year 2022. Previously he was serving in Sitalpur High School.

3. Submission of the petitioner is that he was appointed in the year 2011. He completed two years' approved service on June 30, 2014. The post in which the petitioner was serving was made substantive on July 1, 2014. The petitioner sought for prior permission from the school authority for enhancing his educational qualification in the year 2012.

4. The prayer of the petitioner was forwarded by the Headmaster of Sitalpur High School to the District Inspector of Schools. No formal communication was

made to the petitioner either accepting or refusing his prayer seeking prior permission to enhance his educational qualification.

5. The petitioner joined the master degree course on July 31, 2015 and completed the same in June 2017. In March 2022 the petitioner was recommended on transfer to the respondent no.5 school by the West Bengal Central School Service Commission.

6. His appointment in the respondent no.5 school stood approved in September 2022. In the approval memo issued in the transferred school, the qualification of the petitioner is mentioned as B.A. (Honours) B.Ed.

7. The petitioner applied before the school for incorporating his higher qualification in his service records so that he can claim higher scale of pay. The same being refused, the instant writ petition has been filed.

8. According to the petitioner, as the initial prayer of the petitioner seeking prior permission was allowed by the school managing committee and forwarded to the District Inspector of Schools, the responsibility of the petitioner for obtaining prior permission ended there. The petitioner has not been intimated about the rejection of his prayer seeking prior permission. The petitioner waited for his post to be retained prior to joining the master degree course.

9. It has been submitted that as prior permission granted by the school was duly forwarded to the District Inspector of Schools, the petitioner's higher qualification ought to be reflected in his service records and he ought to receive the higher scale of pay.

10. Learned advocate representing the State respondents has relied upon the reports filed by the District Inspector of Schools (Secondary Education), Purulia dated January 9, 2026 and January 30, 2026.

11. The notes and order sheets of the office of the District Inspector of Schools are annexed in one of the reports filed by the District Inspector of Schools.

12. It appears therefrom that the prayer of the petitioner seeking prior permission was forwarded by the Headmaster of Sitalpur High School in the year 2012. The recording in the note sheet mentions that the petitioner joined as Assistant Teacher on July 1, 2011 with qualification B.A. (Honours) against additional post sanctioned for the higher secondary section of the school and approval of appointment in favour of the petitioner concerned was accorded up to June 30, 2014.

13. The note sheet signed on March 21, 2012 records that the prayer of the petitioner seeking permission for enhancing his educational qualification may not be considered at present since the post has not been retained. The issue was again discussed on March 26,

2012 and the note sheet contains a note signed on March 27, 2012 mentioning that as proposed, after retention of the post, prayer be considered.

14. Further report of the District Inspector of Schools mentions that after retention of the subject post w.e.f. July 1, 2014, the petitioner never made any application afresh seeking prior permission for taking admission in the master degree course.

15. Without an application being on record, the District Inspector of Schools was not in a position to accord prior permission in favour of the petitioner. Without a formal prior permission, the petitioner cannot claim higher scale of pay.

16. Upon hearing the submission made on behalf of both the parties and on perusal of the materials on record, it appears that the post in which the petitioner was serving, was an additional one. The said post was retained on and from July 1, 2014.

17. The application made by the petitioner seeking prior permission was considered by the District Inspector of Schools in the year 2012 and it was recorded that the prayer of the petitioner seeking prior permission be considered after retention of the post.

18. The aforesaid recording implies the affirmative view of the District Inspector of Schools as regards the application made by the petitioner, subject however to retention of the post in future. On the day the note

sheet was signed none of the parties had any idea with regard to the date from which the post would be retained or if the post would, at all, be retained.

19. Had the post not been retained, then the question of granting benefit on acquiring higher qualification would not have arisen. Since the post was retained on and from July 1, 2014, it has to be taken that the permission for taking admission in the post graduation course will be subsequent thereto.

20. Admittedly, the petitioner took admission in the post graduate course in the year 2015, i.e., after retention of the post and concluded the said course in the year 2017. The same appears to be in conformity with the note made by the District Inspector of Schools in March 2012. Neither the school nor the petitioner was ever intimated as regards denial of permission for enhancing educational qualification.

21. The District Inspector of Schools has relied upon the order of the School Education Department (Secondary Branch) being No. 593-SE(B) dated November 27, 2007 which mentions that the teacher is required to seek prior permission of the District Inspector of Schools (SE) only when he/she wants to claim additional increment/higher scale of pay for obtaining higher qualification through the managing committee of the school.

22. It does not appear that the petitioner acted in any manner contrary to the Government Order being No. 593-SE(B) dated November 27, 2007. The petitioner applied before the school to record his higher qualification so that he can claim further service benefit relying on the same.

23. In view of the discussions made hereinabove, the resolution adopted by the managing committee refusing to record the higher qualification obtained by the petitioner cannot be allowed to stand. The same is, accordingly, set aside.

24. The school is directed to record the higher qualification obtained by the petitioner in his service records and forward the same to the District Inspector of Schools (Secondary Education), Purulia at the earliest but positively within a period of six weeks from the date of communication of this order.

25. The District Inspector of Schools shall take necessary steps for consideration of the petitioner's prayer to accord higher scale of pay in accordance with law at the earliest but positively within twelve weeks from the date of receiving all documents from the school.

26. The writ petition stands disposed of.

27. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

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

(Amrita Sinha, J.)