

04.02.2026
Sl. No.30(DL)
Ct. No.14
srm

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

W.P.A. No. 27060 of 2025

Md. Jalaluddin Mollah

Versus

The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya,
Mr. Bidhan Biswas

...for the Petitioner.

Ms. Susmita Biswas Chowdhury

...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 direction upon the respondent authorities particularly the respondent No.3, the District Inspector of Schools (S.E.), North 24-Parganas to extend the benefit of postgraduate scale of pay in favour of the petitioner due to improvement of his qualification by acquiring M.A. degree in Education.
3. The petitioner contends that he was appointed as approved Assistant Teacher in Shah Jalali Barkatia High Madrasah (H.S.), P.O. & P.S. Ashokenagar, District-North 24-Parganas on 1st November, 2008 with qualification B.A. (Hons.) in Education under Hons./Postgraduate Teacher category. The petitioner before his joining as an Assistant Teacher took admission under the Rabindra Bharati University for acquiring M.A. Degree in Education through Distance

Education Mode in October, 2006. The petitioner has successfully completed M.A. Part-I examination on 18th March, 2008 prior to joining the service. Finally the petitioner obtained his M.A. degree in Education, the result of which was published on 3rd June, 2009. Upon completion of such postgraduate degree, the petitioner made an application on 9th July, 2025 before the District Inspector of Schools (S.E.), North 24-Parganas seeking postgraduate scale of pay. However, the same is pending consideration. Hence, this writ petition.

4. Mr. Bidhan Biswas, learned Advocate appearing for the petitioner submits that since the petitioner completed M.A. Part-I examination prior to joining service, no such prior permission is required for completing the final examination. To buttress his contention, he relies on the decision of the Hon'ble Special Bench of this Court passed in *Utpal Kanti Karan versus State of West Bengal (In Re: WPA 9921 of 2007)* along with other batch of writ petitions and appeals as well as the decision of a coordinate Bench of this Court passed in *Gurupada Dey versus The State of West Bengal & Ors. (In Re: WPA 25567 of 2025)*.
5. Despite service, none appears on behalf of the State.
6. Ms. Susmita Biswas Chowdhury, learned Advocate, who usually appears on behalf of the State-respondents is requested to appear in this matter. The appearance of Ms. Susmita Biswas Chowdhury be regularised by the concerned authority.

7. Let a copy of the writ petition along with its annexure be served upon Ms. Biswas Chowdhury, learned Advocate for the State respondents.
8. Ms. Susmita Biswas Chowdhury, learned Advocate for the State leaves the matter to the discretion of the Court.
9. Admittedly, the petitioner joined as an Assistant Teacher having B.A.(Hons.) in Education on 1st November, 2008. Before joining the service, the petitioner has completed the M.A. Part-I examination in the month of March, 2008.
10. In *Utpal Kanti Karan (supra)* the Hon'ble Special Bench observed as follows:

“(g) If a teacher has partially completed higher study before entering service he/she would come under purview of G.O. No.1595-SE(S) dated 26th December, 2005 and the question of taking permission from DIS-SE concerned would not arise.”
11. In view of the above, the respondent No.3, the District Inspector of Schools (S.E.), North 24-Parganas is directed to consider the representation of the petitioner dated 9th July, 2025 and dispose of the same in accordance with law by passing a reasoned order upon notice to the petitioner taking into consideration the decision of Hon'ble Special Bench of this Court passed in *Utpal Kanti Karan (supra)* within a period of eight weeks from the date of communication of this order.
12. With the above direction, the writ petition being **WPA 27060 of 2025** stands disposed of.
13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted,

14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. 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.)