

16.06.2026
Item No.8
AP

WPA 28888 of 2017

**Sananda Hari
Vs.
The State of West Bengal & Ors.**

Mr. Sk. Sahjahan Ali

... For the Petitioner.

1. The present writ petition is to challenge the alleged inaction of the respondent authority to grant higher scale of pay to the writ petitioner with effect from July 2014, that is from when the writ petitioner says that she has enhanced her qualification by obtaining Master Degree on the relevant subject of teaching.

2. Fact remains that the writ petitioner was appointed as an Honours Graduate in Mathematics in the school namely Beri Gopalpur Adarsha Vidyalaya (H.S.). She joined in service on 14th December, 2013.

3. It is submitted that before entering into service the writ petitioner enrolled herself in the Master Degree course but did not complete the same. After being inducted in the service, the writ petitioner completed her course of Master Degree, with prior permission of the School Managing Committee.

4. Therefore, having obtained Master Degree in the relevant subject of her teaching, the writ petitioner has sought for grant of commensurate higher pay scale, to her.

5. Annexure P-4 to the writ petition is a letter by the Headmaster of the School addressed to the ADI of Schools, North 24-Parganas dated 16th January, 2017 and Annexure P-5 is a letter by the writ petitioner addressed to the D.I. of Schools (S.E.), North 24-Parganas dated 31st August, 2017, both requesting the said respondent authorities for grant of higher pay scale to the writ petitioner due to the facts as stated above.

6. Mr. Sk. Sahjahan Ali, learned advocate for the writ petitioner has submitted that till now the respondent authority has not acted upon the said representations, by allowing higher scale of pay to the writ petitioner, commensurate to her enhanced qualification.

7. In spite of service, none appears for the State respondent. Affidavit of service filed in Court today is taken on record. The matter hence is taken up for adjudication and order in absence of the respondents.

8. The points in dispute as involved in the instant case are now well settled, by virtue of this Court's judgement of the Hon'ble Full Bench in ***Utpal Kanti Karan Vs. State of West Bengal & Ors.*** reported in ***2024 SCC OnLine Cal 1274***. In a case where the incumbent has enrolled in the higher course before entering into the service, as it is in the present writ petition, and concludes the course after induction in service with the prior permission of the competent school authority, the

Hon'ble Larger Bench has held that grant of higher pay scale to him would not be subject to any other precondition, like prior permission of DI etcetra and that he shall be entitled to grant of higher pay scale, from an appropriate date.

9. Subsequently, pursuant to the ratio decided in the case of ***Utpal Kanti Karan (supra)***, this Court has passed order for grant of higher pay scale in favour of the writ petitioner in ***WPA 14976 of 2022 (Sabyasachi Mondal Vs. The State of West Bengal & Ors.)*** vide order dated 24th January, 2025.

10. The ratio decided in the judgement as mentioned above as well as the law settled by dint of the same, with regard to payment of higher pay scale to the writ petitioner upon her obtaining higher qualification during her service, is squarely applicable in the present writ petition.

11. In that view of the matter, this Court finds it proper to relegate the prayer of the writ petitioner as contained in Annexure P-4 and Annexure P-5 of the writ petition, to the respondent No.2, for his passing necessary order in the light of the Court's judgments as mentioned above.

12. Let the respondent No.2, if necessary, grant opportunity of hearing to the writ petitioner in this regard and pass a reasoned order positively within a period of

three weeks from the date of communication of a copy of this order.

13. Needless is to mention that upon finding the writ petitioner to be eligible for grant of higher pay scale from an appropriate date, immediate necessary subsequent steps shall be taken up by the said respondent towards refixation of pay of the writ petitioner, with effect from an appropriate date and payment of arrear salary to the petitioner.

14. With the aforesaid direction, WPA 28888 of 2017 is disposed of.

15. There shall be no order as to costs.

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

(Rai Chattopadhyay, J.)