

S/L 18
13.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 28569 of 2024

Biswajit Maity

Vs.

The State of West Bengal & Ors.

Mr. Shuvro Prakash Lahiri

...for the Petitioner.

Mr. Sabyasachi Mondal

...for the State.

1. Affidavit of service filed by the petitioner in Court today be retained with the records.
2. The petitioner seeks higher scale of pay. His prayer has been rejected by the District Inspector of Schools (Secondary Education), Purba Burdwan vide communicating memo dated May 13, 2016 with the observation that the petitioner failed to obtain prior permission of the District Inspector of Schools vide G.O. No.593-SE(B) dated November 27, 2007.
3. Learned advocate representing the petitioner submits that the day when the petitioner took admission in the post graduate course, the subject Government Order dated November 27, 2007 was not in existence. The said Government Order does not have any retrospective operation and, accordingly, the said Government Order cannot be made applicable in the case of the petitioner.
4. It has been submitted that the issue as to whether the candidate who did not obtain prior

permission in terms of the G.O. No.593-SE(B) dated November 27, 2007 will get the benefit of higher scale of pay was conclusively decided by the larger Bench of this Court in the matter of ***Utpal Kanti Karan vs. State of West Bengal & Ors.*** reported in **2024 SCC OnLine Cal 1274**.

5. Prayer has been made to set aside the impugned memo and to direct the authority to grant higher scale of pay to the petitioner along with arrears.

6. The issue raised by the petitioner has been dealt with in the matter of Utpal Kanti Karan (supra). The subject memo dated November 27, 2007 did not have any existence on the day the petitioner got admitted in the post graduate course and, accordingly, the said memo cannot be applied retrospectively in case of the petitioner.

7. In view of the above, the impugned order dated May 13, 2016 stands set aside.

8. The prayer of the petitioner for grant of higher scale of pay is directed to be reconsidered by the District Inspector of Schools (Secondary Education), Purba Burdwan in the light of the judgment delivered in Utpal Kanti Karan (supra) at the earliest but positively within a period of twelve weeks from the date of communication of this order.

9. The prayer of the petitioner for grant of interest on account of delayed payment of higher scale of pay

cannot be allowed by the Court particularly because of the reason that the petitioner challenged the impugned order passed on May 13, 2016 by filing the present writ petition in the year 2024, without giving any explanation for the delay in approaching the Court. The petitioner would be entitled to the higher pay, if allowed, but will not be entitled to interest.

10. If the District Inspector of Schools opines in favour of the petitioner, then necessary consequential steps for providing relief shall be taken without any further delay.

11. The writ petition stands disposed of.

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

(Amrita Sinha, J.)