

25.06.2025
Court No. 18
Item No. 242 (ML)
(Suvendu)

WPA 904 of 2024

Mousumi Sarkar

-Versus-

State of West Bengal & Ors.

Mr. Siddhartha Sankar Mondal

Ms. Arunima Das Sharma

.....for the petitioner

Ms. Iti Dutta

.....for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. In the writ petition decision of the Additional District Inspector of Schools (SE), Serampore, Hooghly as contained in the memo dated 31st August, 2022 is under challenge whereby prayer of the petitioner for according postgraduate scale of pay was spurned.
3. Learned advocate representing the petitioner submits that the petitioner was appointed as Assistant Teacher in Science with educational qualification B.Sc. (Hons.) on and from 5th August, 2010 in Uttarpara Amarendra Vidyapith (for Girls), Hooghly.

4. From the date of petitioner's appointment she was granted Hons. Graduate scale of pay. Prior to her joining the post of Assistant Teacher petitioner completed Part –I course and Part II examination was held in 2011. Petitioner commenced the course for obtaining post graduate degree in Physics upon enrolling herself in 2007 under Vidyasagar University. Result of M.Sc. final examination was published on 6th March, 2012.

5. It has been submitted on behalf of the petitioner that on an identical issue a judgment was delivered by the Hon'ble Division Bench in **Adeel Uz Zaman Vs. The State of West Bengal & Ors.** in **MAT 825 of 2020** dated 11th February, 2021. According to the petitioner, since the Hon'ble Division Bench in **Adeel Uz Zaman** (supra) has decided that in the event the candidate joins the post with Hons. Graduate scale of pay at the time when the said candidate has completed part of higher course of studies for obtaining post graduation degree in the relevant subject of teaching the requirement to obtain permission from the concerned District Inspector of Schools to undergo higher course of studies, is not warranted. It has also been

submitted that the ratio of **Adeel Uz Zaman** (supra) has already been affirmed by the Special Bench in the judgment dated 7th February, 2024.

6. Learned advocate representing the State respondents has made submission to defend the decision taken by the concerned Additional District Inspector of Schools in the memo dated 31st August, 2022.

7. Having considered the submissions made on behalf of the parties and on perusal of the impugned memo dated 31st August, 2022 issued by the Additional District Inspector of Schools (SE), Serampore, Hooghly, it appears that the prayer of the petitioner for grant of postgraduate scale of pay was turned down since permission was not obtained from the concerned District Inspector of Schools before enrolling her name for higher course of studies.

8. The issue of obtaining permission from the concerned District Inspector of Schools in terms of the Circular dated 27th November, 2007 is no more *res integra* in view of the ratio of **Adeel Uz Zaman** (supra) as decided by the Hon'ble Division Bench and ratio of the judgment is applicable considering the fact that at the time

of joining the post in the present case on 5th August, 2010 petitioner was undergoing higher course of study.

9. It is also required to be recorded herein that the view expressed by the Hon'ble Division Bench in **Adeel Uz Zaman** (supra) has been affirmed by the Larger Bench in the judgment dated 7th February, 2024 delivered on a batch of matters, first one being WPA 9921 of 2007 (Utpal Kanti Karan Vs. State of West Bengal & Ors.)

10. In view of the above discussion, the impugned memo dated 31st August, 2022 issued by the concerned Additional District Inspector of Schools (SE), Serampore, Hooghly stands set aside.

11. The concerned District Inspector of Schools being respondent no. 3 is directed to grant postgraduate scale of pay to the petitioner from the date of publication of the result of M.Sc. Part –II examination within a period of four weeks from date of communication of this order.

12. Accordingly, the writ petition stands disposed of.

13. However, there shall be no order as to costs.

14. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)