

18.02.2026
Sl. No.1
Ct. No.14
gd

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

WPA/27768/2025
AFSARI KHATUN
VS

STATE OF WEST BENGAL AND ORS.

Mr. Prosenjit Mukherjee
Mr. Nirmalya Kumar Das
Ms. Babita Pramanik

...for the Petitioner.

Mr. Dwarik Nath Mukherjee
Mr. Arindam Mitra

...for the State.

Mr Nadeem Sulaiman
Mr. Mijanul Kabir

...for Madrasah Board.

1. Report of the District Inspector of Schools (SE), South 24-Parganas dated 16th February, 2026 filed by the State is taken on record.
2. Copy served.
3. By the present writ petition the petitioner seeks direction upon the respondent no.4 to grant Post Graduate Scale of Pay to the petitioner on the basis of her Post Graduate Degree i.e. M.Sc. (Chemistry) completed in the year 2018 upon setting aside the impugned order passed by respondent no.4, District Inspector of Schools (SE), South 24-Parganas dated 20th May, 2025.
4. The petitioner contends that she joined as Assistant Teacher with B.Sc Honours in Chemistry under the Category of Honours/PG. With the permission of the

District Inspector of Schools (SE), South 24-Parganas she completed her Post Graduate Degree in Chemistry from distance education. Subsequent thereto the petitioner made an application seeking Post Graduate Scale of Pay on 4th August, 2020 before the Secretary, Hatisala Sarojini High Madrasah (H.S.). The prayer of the petitioner was duly forwarded to the District Inspector of Schools (SE), South 24-Parganas on 15th September, 2020 along with necessary and relevant enclosures. The prayer of the petitioner was rejected by the District Inspector of Schools (SE), South 24-Parganas holding that she is not entitled to the same in view of the provisions of West Bengal Schools (Control of Expenditure) Amendment Act, 2016 (*hereinafter referred to as the 'Act of 2016'*). Being aggrieved by the action of the respondent authorities, the petitioner has preferred the present writ petition.

5. Mr. Prosenjit Mukherjee, learned Advocate appearing for the petitioner submits that the petitioner upon permission from the appropriate authority completed her Post Graduate in Chemistry. The District Inspector of Schools (SE), South 24-Parganas have rejected the prayer of the petitioner citing the provisions of Act of 2016. However, as per Section 14(3) of the said Act of 2016, the petitioner is entitled to draw Post Graduate Scale of Pay on the basis of her Post Graduate qualification. The provisions of law has been misread by the concerned authority. Referring to the decision of a Coordinate Bench of this Court passed in ***Mithu Rani***

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(in Re: W.P.A. No.15294 of 2025), he submits that in similarly circumstanced the petitioner was granted 'A' Category Scale of Pay. He seeks that similar benefit be extended to the petitioner.

6. On the contrary, Mr. Dwarik Nath Mukherjee, learned Advocate appearing on behalf of the State submits that the matter may be relegated to the appropriate authority for revisiting the issue in the light of the judgment passed in *Mithu Rani Murmu (Supra)*.
7. Having heard the learned advocates for respective parties, the only issue which falls for consideration whether the petitioner upon completion of Post Graduate qualification is entitled to Post Graduate Scale of Pay or not.
8. Precisely the prayer of the petitioner for grant of Post Graduate Scale of Pay has been turned down by the concerned authorities citing the provisions of the Act of 2016.
9. In order to examine the issue it would be profitable to reproduce the relevant provisions of Section 14(3) of the Act of 2016 as hereunder:

“(3) Every teacher appointed for classes XI and XII, shall be entitled to draw pay meant for Post-graduate qualification and shall not be entitled to claim any additional increment or higher scale of pay for any qualification other than the minimum qualification specified for such post.”
10. While considering the aforesaid provision a Coordinate Bench of this court in *Mithu Rani Murmu (Supra)* observed as follows:

“9. Aforesaid facts have made the situation abundantly clear that the petitioner was appointed in higher secondary section of the said school albeit with the educational qualification of

Honours degree but the post was meant for Honours/ PG candidate. At the same time, Section 3(4) of the said Act of 2016 provides when a teacher is appointed for Classes XI and XII he/she shall be entitled to draw pay meant for post graduate qualification with a rider that such teacher shall not be entitled to claim any additional increment or higher scale of pay for any qualification other than minimum qualification specified for such post. When petitioner was appointed in higher secondary section of said school in terms of Section 3(4) she is entitled to draw post graduate scale of pay on acquiring such qualification and in case of appointment of petitioner Honours/ PG ought to be treated as minimum qualification. If petitioner would have obtained Ph.D. or any qualification higher than post graduation in that event that would not enure to the benefit of the petitioner by sanctioning higher scale of pay but considering Honours/ PG being minimum qualification petitioner needs to be awarded post graduate scale of pay on acquiring such qualification when respondent no. 4 permitted the petitioner to undergo higher course of study in terms of Government Order dated 27th November, 2007.”

11. Since the petitioner has completed her Post Graduate qualification in Chemistry, in line with the aforesaid decision this court is of the view that the petitioner is entitled to Post Graduate Scale of Pay.
12. Accordingly, the impugned order dated 20th May, 2025 passed by respondent no.4, District Inspector of Schools (SE), South 24-Parganas is set aside.
13. In view of the above, the respondent no.4, District Inspector of Schools (SE), South 24-Parganas is directed to accord Post Graduate Scale of Pay to the petitioner from the date of publication of final result of Part II M.Sc. Examination within a period of four weeks from the date of communication of this order.
14. Learned advocate for the petitioner is directed to communicate this order to the respondent no.4, District Inspector of Schools (SE), South 24-Parganas for necessary action.
15. With the above direction, the writ petition being **WPA 27768 of 2025** stands disposed of.

16. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
17. Interim order, if any, stands vacated.
18. All connected applications, if any, stand disposed of.
19. There shall be no order as to costs.
20. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
21. 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.)