

07.7.2025
Sl. No.73
Court No.4
Ali

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

WPA 1372 of 2025

Md. Julfikar Ali Miah
Vs.
The State of West Bengal & Ors.

Mr. Ekramul Bari
Sk. Imtaj Uddin,
Ms. Rinka Chakraborty

.... for the Petitioner.

Mr. Hirak Barman,
Mr. Momenur Rahman

...for the State.

Affidavit-of-service filed by the learned advocate on behalf of the petitioner be taken on record.

The petitioner is aggrieved by the inaction on the part of the respondent in granting to the petitioner post graduate scale of pay given the petitioner's post graduate qualification in the subject of which the petitioner is a teacher, with effect from the last date of the examination for such post graduate degree/qualification.

Mr. Bari, learned advocate appearing for the petitioner has drawn the attention of this Court to an order dated February 23, 2021 passed by this Court

in WPA 572 of 2021 (Md. Julfikar Ali Miah & Ors. V. The State of West Bengal & Ors.) whereby the respondent authority was directed to grant approval to the petitioner (along with other petitioner in the said writ petition), in terms of the recommendation made by the Director of Mass Education Extension, West Bengal within a period of four weeks from the date of such order.

Mr. Bari, submits that in terms of the said order approval was given by a memorandum dated December 28, 2022. Mr. Bari, further submits that surprisingly the said memorandum of approval did not mention the petitioner's post graduate qualification although the petitioner had the said qualification on the said date.

Mr. Bari further invites the attention of this Court to a letter dated July 3, 2014 sent by the District Mass Education Extension officer, West Bengal along with the letter written by the Secretary of the relevant School and the resolution of the Managing Committee of the said School to the Director of Mass Education Extension, West Bengal for consideration.

Mr. Bari submits that despite the petitioner's case for grant of higher scale of pay being thus forwarded by the School Authority to the Director of

Mass Education Extension through the District Mass Education Extension officer, the Director of Mass Education Extension has been maintaining stoic silence in the matter.

He also invites the attention of this Court to a representation dated September 19, 2024 made by the petitioner to the Director of Mass Education Extension and submits that no action has been taken on the said representation as well.

Having heard the learned advocates appearing on behalf of respective parties and having considered the material on record, this Court is of the view that it would be appropriate at this stage to call for a report in the form of affidavit from the respondent No. 2 i.e. the Director of Mass Education Extension, West Bengal disclosing his stand as regards the petitioner's contention in the writ petition and specifying his stand as regards the petitioner's entitlement to higher scale of pay.

The respondent No. 2 shall file such report within a period of three weeks from date upon a prior service of a copy thereof upon the petitioner. The petitioner shall be entitled to take exception to such report, within a week thereafter.

List this matter before the next Circuit Bench available immediately after expiry of the time fixed

for filing the report and taking exception thereto as aforesaid.

(Om Narayan Rai, J.)