

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA – 508 of 2018**

Sailesh Mitra

Versus

The State of West Bengal & Others. .

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

1

2

3

01
23/08/2018

For the Applicant : *Mr. A. K. Lahiri,
Mr. S. K. Mondal,
Learned Advocates.*

For the State Respondents : *N O N E.*

The applicant has prayed for direction upon the respondents to give him higher scale of pay for improvement of his qualification in terms of G.O. dated September 23, 1991 issued by the Deputy Secretary to the Government of West Bengal, Department of Education, Appointment (School Education) Branch.

The applicant was appointed to the post of Drawing Master at Jalpaiguri Zilla School on the basis of recommendation of P.S.C., W.B in the Pay Band 3, Rs. 7100/- -37600, Grade Pay of Rs. 4100/- having initial pay of Rs. 12750/- and allowances admissible under the Rules on the basis of order dated November 26, 2009 issued by the Director of School Education, Government of West Bengal. The contention of the applicant is that the applicant obtained Master Degree in Visual Art from the University of Calcutta in the year 2004. The grievance of the applicant is that he has

ORDER SHEET – (Continuation)

Form No.

.....
Sailesh Mitra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 508 of 2018**

Serial No. and date of order 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary. 3
	<p><i>not been given higher pay scale for improved educational qualification in the subject relevant to the post on the basis of G.O. dated September 23, 1991.</i></p> <p><i>None appears on behalf of the state respondents in spite of service of notice as reflected from the affidavit of service filed on behalf of the applicant. Mr. Lahiri, Learned Counsel for the applicant has relied on the unreported case of “State of West Bengal & Another V. Rekha (Saha) Sarkar & Others” (W.P.S.T No. 230 of 2015 decided on January 29, 2016) in support of his contention that the applicant is entitled to higher pay scale for obtaining Master Degree in Visual Art before entering in the service.</i></p> <p><i>On perusal of the Judgment delivered by the Division Bench of Hon’ble High Court at Calcutta in “State of West Bengal & Another V. Rekha (Saha) Sarkar & Others” (Supra), we find that Hon’ble High Court dealt with the case of a Teacher who joined in the post of Drawing Mistress after acquiring Master Degree in Painting. The Division Bench of the Hon’ble High Court considered the G.O. dated September 23, 1991 and held that the said Teacher having obtained Master Degree in</i></p>	

ORDER SHEET – (Continuation)

Form No.

Sailesh Mitra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 508 of 2018**

Serial No. and date of order 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary. 3
	<p><i>Painting is entitled to higher pay sale.</i></p> <p><i>By following the above decision of the Hon'ble High Court at Calcutta, we direct the respondent no.1, the Principal Secretary to the Government of West Bengal, Department of School Education to pass a reasoned order in connection with entitlement of the applicant to get higher pay scale for improvement of education qualification in terms of G.O. dated September 23, 1991 issued by the Deputy Secretary to the Government of West Bengal, Department of Education, Appointment (School Education) Branch and in accordance with the Judgment delivered by the Division Bench of the Hon'ble High Court in W.P.S.T. no. 230 of 2015 (Supra) within a period of eight weeks from the date of communication of this order and to intimate the applicant about the same within a period of two weeks thereafter.</i></p> <p><i>With the above direction, the original application stands disposed of.</i></p> <p><i>The applicant is directed to serve copy of this order and copy of the original application along with annexures on the respondent no. 1 by Speed Post within a period of two weeks from this date.</i></p> <p><i>Let a plain copy of the order be supplied to</i></p>	

ORDER SHEET – (Continuation)

Form No.

.....
Sailesh Mitra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 508 of 2018**

Serial No. and date of order 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary. 3
<i>Rajat</i>	<p><i>the applicant on urgent basis free of cost.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

ORDER SHEET – (Continuation)

Form No.

Sailesh Mitra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 508 of 2018**Serial No. and
date of orderOrder of the Tribunal
with signatureOffice action with date
and dated signature of
parties when necessary.

1

2

3

ORDER SHEET – (Continuation)

Form No.

Sailesh Mitra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 508 of 2018**

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3