

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No –OA 575 OF 2018

Pradip Kumar Sau Vs The State of West Bengal & Ors.

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>1</p> <hr/> <p>04.09.2018</p>	<p>For the Applicant : Mr. S.K. Mondal Learned Advocate.</p> <p>For the State Respondents : None.</p> <p><i>The applicant has prayed for direction upon the respondents to give her higher scale of pay for improvement of her 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.</i></p> <p><i>The applicant was appointed to the post of Drawing Master at Birbhum Zilla School, Suri on the basis of recommendation of P.S.C., W.B in the Pay Band – 3, Rs.7,100-37,600/- and Grade Pay of Rs.3,900/- and allowances admissible under the Rules by 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 of Fine Arts in Painting from Rabindra Bharati University in the year 2007. The grievance of the applicant is that she has not been given higher pay scale for improved educational qualification in the subject relevant to the post on the</i></p>	

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	<p><i>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. Mondal, 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 of Fine Arts in Painting 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 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</i></p>	

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	<p><i>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 the applicant on urgent basis free of cost.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

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