

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 820 of 2018**

Srabanti Biswas

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.
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2 18.02.2019	<p><i>For the Applicant</i> : <i>Mr. A. Lahiri,</i> <i>Mr. S. K. Mondal,</i> <i>Learned Advocates.</i></p> <p><i>For the State Respondents</i> No. 2 & 3 : <i>Mr. A.K. Das Sinha,</i> <i>Learned Advocate.</i></p> <p><i>For the State Respondents</i> No. 4 & 6 : <i>Mr. M.N. Roy,</i> <i>Learned Advocate.</i></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 Home Science Mistress in Krishnanagar Government Girls' High School on the basis of recommendation of P.S.C., W.B in the scale of pay of Rs. 4,650/- - 10,175/- and allowances admissible under the Rules by order dated September 27, 2005 issued by the Director of School Education, Government of West Bengal. The contention of the applicant is that the</i></p>	

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	<p><i>applicant obtained degree of Master of Science in Dietetics and Community Nutrition Management from Vidyasagar University in the year 2004. 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 basis of G.O. dated September 23, 1991.</i></p> <p><i>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 before entering in the service. Mr. Lahiri further submits that delay in approaching the Tribunal will not be fatal to the applicant in view of the proposition of law laid down by the Hon’ble Supreme Court in “Union of India and Others V. Tarsem Singh” reported in (2008) 8 SCC 648 wherein the issue of payment of invalid pension of an officer of Indian Army who approached the Tribunal after long lapse of sixteen years was considered by the Hon’ble Supreme Court and relief was given for a period of three years preceeding the date of approaching the Tribunal. We have also heard the</i></p>	

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	<p><i>Learned Counsel for the State respondents.</i></p> <p><i>On consideration of the decision of the Hon'ble Supreme Court in "Union of India and Others V. Tarsem Singh" (supra) and 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 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</i></p>	

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	<p><i>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) and the judgment delivered by the Hon'ble Supreme Court in "Union of India and Others V. Tarsem Singh" (supra) within a period of eight weeks from the date of communication of this order and 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 and copy of two judgments referred to hereinabove 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 style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

Rajib

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