

Sl. 10
22.04.2022
Ct. No. 15
tbsr

WPA 120 of 2019

Rita Karan

-vs.-

State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Chandrachur Chatterjee
Mr. Diptendu Mondal
Mr. Nikhil Kr. Gupta
.....for the petitioner

Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas
....for the State

Mr. Kamal Mishra
Ms. Chumki Chowdhuri
....for the respondent No. 7, Purba
Medinipur Council

Mr. Ratul Biswas
....for the Board

Mr. Kumarjyoti Tewari
.....for the UOI

Mr. Souvik Nandi
.....for the NCTE

The writ petition pertains to a prayer of a primary teacher claiming sanction of “A Category” scale of pay on being appointed as Assistant Primary Teacher on 13th February, 2017 by the Chairman, District Primary School Council, Purba Medinipur. At the time of engagement of the petitioner as an Assistant Primary Teacher, she was having diploma in Special Education (Visual impairment) which the petitioner has obtained from Manipal University which

is recognized by the Rehabilitation Council of India (RCI).

On the basis of such diploma in Special Education, the petitioner has claimed sanction of “A Category” scale in her favour, which was considered previously by the Joint Secretary, School Education Department, respondent No. 2. On consideration of the claim of the petitioner based on such diploma in Special Education, the respondent no. 2 while issuing memo dated 20th July, 2018 referred to clarification sought from the Human Resource Development Department whether for sanction of “A Category” scale of pay, there is necessity of undergoing six months bridge course.

In view of such stand taken by the respondent no. 2 as it emanates from memo dated 20th July, 2018, the issue relating to sanction of “A Category” scale of pay is remaining pending as submitted by Mr. Anindya Bose, learned advocate representing the petitioner.

It has been submitted on behalf of the writ petitioner that there are certain cases where Assistant Primary Teachers are in receipt of “A Category” scale of pay notwithstanding not completing six months bridge course.

Ms. Chaitali Bhattacharya, learned advocate appears on behalf of the State respondents and has

defended the view expressed by the respondent no.2 as contained in memo dated 20th July, 2018. It has been submitted by Ms. Bhattacharya that the concerned State respondents are awaiting decision from the Human Resource Development Department whether six months bridge course is sine qua non for sanction of “A Category” scale of pay or not.

The NCTE is represented by Mr. Souvik Nandi, learned advocate and Union of India is represented by Mr. Kumarjyoti Tewari, learned advocate.

Having considered the submissions made on behalf of the rival parties and on perusal of the relevant documents available on record, this Court directs the respondent no. 2 to revisit the issue on the claim of the petitioner for sanction of “A Category” scale of pay since it has been pointed out on behalf of the petitioner that there are instances where the assistant primary teachers without completing six months bridge course are benefited with sanction of “A Category” scale of pay.

Accordingly, respondent no. 2 is directed to pass a reasoned decision upon granting opportunity of hearing to the petitioner and the representative of the Chairman, District Primary School Council, Purba Medinipur within a period of eight weeks from the date of communication of this order and the reasoned order

to be passed is to be communicated to the petitioner within one week thereafter.

The impugned decision of the respondent no.2 as contained in memo dated 20th July, 2018 shall be kept in abeyance and shall abide by the decision to be taken by the respondent no. 2 pursuant to the direction passed by this Court.

All the points are kept open and petitioner shall be at liberty to take such points before the respondent no. 2 at the time of hearing of the matter.

With the aforesaid decision, the writ petition is disposed of.

Affidavit-in-opposition filed on behalf of the District Primary School Council, Purba Medinipur is taken on record.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)