

04.05.2022
SL No. 8
Court No. 24
(P.M)

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**WPA 23578 of 2019
With
IA No. CAN 1 of 2020
Anjali Adhikari
Vs
The State of West Bengal & Ors.**

Ms. Sabita Khutia (Bhunya)
... for the petitioner

Mr. K. N. Nabi
... for the State

Mr. Ratul Biswas
... for the Council

The petitioner is a retired teacher of a primary school. She was appointed to the post of Assistant Teacher under the District Primary School Council, Howrah on 6th January, 1984. She possessed Bal Sevika Training Certificate issued by the Indian Council for Child Welfare dated 14th November, 1981. The petitioner was treated as a trained candidate relying upon the said certificate and she was paid “A” category scale of pay on and from the date of joining.

After her retirement a question has been raised by the DPPG as to whether the Bal Sevika Training certificate is equivalent to the PTT/JBT certificate.

The Chairman-in-Charge, District Primary School Council, Howrah requested the Directorate of School Education, Training and Examination Cell to

let the office know as to whether Bal Sevika Training Certificate was equivalent to PTT/JBT or not.

The Court has not been made aware as to whether any clarification has been issued by the Directorate of School Education to the Chairman of the District Primary School Council with regard to the equivalence of the Bal Sevika Training certificate.

Admittedly, the petitioner was paid "A" Category scale of pay on and from 1984 onwards. She has attained her normal age of superannuation on 31st October, 2018 but till date she has not received her terminal benefits.

It is true that if the said certificate relied upon by the petitioner is not equivalent to the PTT/JBT qualification the petitioner may not be entitled to draw 'A' Category scale of pay.

The respondent authority without enquiring about the equivalence of the qualification relied upon by the petitioner permitted her to draw 'A' category scale of pay from her initial date of appointment.

At this stage, raking up the issue of equivalence, the authority ought not to sit tight over disbursing the terminal benefits of the petitioner.

The petitioner is without her terminal benefits for more than 3½ years. It is high time the respondent authority take steps to process the pension file of the

petitioner and disburse the terminal benefit on the basis of the scale of pay which was paid to her from 1984 onwards.

In the meantime, the Directorate of School Education shall also intimate the Chairman of the District Primary School Council as to whether the training certificate of the petitioner is equivalent to PTT/JBT or not. If it later transpires that the qualification is not equivalent to PTT/JBT then intimation shall be provided to the petitioner.

The respondent shall thereafter take steps to revise the pay scale and terminal benefits of the petitioner on and from the date of receiving the information from the Directorate of School Education but the authorities will not be entitled to recover any amount that has been paid to the petitioner during her entire service period on account of her drawing 'A' category scale of pay.

The respondents are restrained from taking any coercive action in the matter without affording a reasonable opportunity of hearing to the petitioner.

The respondents shall take steps to disburse the terminal benefits of the petitioner at the earliest but positively within a period of six months from the date of communication of a copy of this order.

Till final payment of the terminal benefits is disbursed, steps shall be taken by the District Inspector of Schools for releasing provisional pension in favour of the petitioner within a period of eight weeks from the date of communication of a copy of this order.

The writ petition and the connected application stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)