

18.07.2022
Court No.13
Item No.583
pk

WPA 33906 of 2013

W.B. Diploma Engineer (Work Education) Teachers'
Welfare Association
Vs.
State of West Bengal & Ors.

Mr. Biswarop Bhattacharya,
Mr. Arik Banerjee,
Mr. Shaunak Chatterjee,
Mr. Sourav Mondal

....for the petitioner

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the State

The short question that comes for consideration is whether the members of the petitioners who are diploma holders in teaching the subject of work education are entitled to the same pay structure and scales as graduate degree holder teachers to the same subject. It is submitted by learned counsel Mr. Bhattacharya that since 1966 diploma holders have been engaged by the State in various schools for teaching the subject "Work Education". Since after the School Service Commission came into force the practice has discontinued and only persons with graduate degrees came to be engaged as teachers for the said subject.

For facilitating smooth change over in the first two Regional Level Selection Test, both the diploma holders and the graduates were allowed to participate

in selection process. Since thereafter only graduates were qualified to teach work education.

A disparity arose pursuant to the ROPA, 2009. By reason of the provisions of the said ROPA, members of the writ petitioner who were diploma holders came to receive a lesser amount of pay, albeit marginal, than the graduate degree holding teachers.

Across the bar counsel would submit that the difference is about Rs.2,000/- as on date.

Members of the petitioner seek equality and equal pay with the graduate teachers in the work education since they discharge the same duties and were also lawfully recruited by the State.

Repeated representations have been made since the year 2010. This court refers to one of such representations at annexure-P10 to the supplementary affidavit dated 10th May, 2010. The last one being of 2nd August, 2019.

On the side of the State, the buck is passing between the Finance Department and the Education Department. The resultant effect is that no decision has been taken. Except to say that prima facie, the claim of the petitioners merits consideration, this court does not wish to make any pronouncement on the issue as of now.

The Principal Secretary (SED), School Education Department of the Government of West

Bengal is added as party respondent to the writ petition.

The learned advocate-on-record for the petitioner shall carry out the consequential amendments to the cause title of the writ petitioner.

The Principal Secretary upon receipt of the entire writ petition along with all pleadings including supplementary affidavit shall forthwith embark on the process of consideration and take a decision on the claim of the writ petitioners. Such decision shall be taken mandatorily and positively and without demur within a period of four months from date.

It is expected that all and every necessary consultations shall be done by the Principal Secretary, School Education Department with all other departments within the time indicated hereinabove. Any concurrence or Clearance of any other department of the State, shall not be a defence for non-compliance of the aforesaid order. The Principal Secretaries of all the concerned department shall also be responsible for compliance of this order.

The final decision may be communicated to the petitioner within seven days thereof.

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

There will be no order as to costs.

(Rajasekhar Mantha, J.)