

02.04.2024
ct no. 13
Sl. 50
ap

WPA 8298 of 2024

**Parameswar Kisku & Ors.
-Versus-
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri,
Mr. Monojit Chatterjee.
..for the petitioner.

Mr. Supriya Chattopadhyay,
Mr. Arindam Ghosh.
....for the State.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury.
....for the WBBPE.

Mr. Saibal Kumar Acharyya,
Mr. Tanweer Jamil Mondal.
...for DPSC, Purba Burdwan.

1. The subject matter of challenge in the instant proceeding is denial of A category pay scale to the petitioners and consequently the post of Head Teacher.
2. It appears from the records of the instant case that the petitioners joined service prior to 2001. They underwent PTTE examination on the directions of the concerned District Primary School Council for the session 2005-06. The said directions, inter alia, were contained in the memo dated July 8, 2005. The examination was held later. The results

of the PTTE were, however, declared in the year 2011.

3. Mr. Chaudhuri, learned counsel appearing for the petitioners relies upon a decision dated January 15, 2020 passed in WP 15294 (W) of 2018 (Bhriguram Karmakar and others Vs. State of West Bengal and others) whereby it was held that persons similarly situated like the petitioners were entitled to A category pay scale with effect from 2005-06 and consequently entitled to the post of Head Teacher.
4. It may be necessary to distinguish another category of persons who are entitled to A category pay scale without being entitled to the post of Head Teacher, after having completed 18 years of continuous service as Assistant Teacher under the WBBPE. The said category however has no relevance in the facts of the case.
5. The aforesaid decision dated January 15, 2020 was carried by the State along with few other matters before a Division Bench of this Court.
6. By a interim order with detailed reasons, dated February 11, 2021 passed in MAT 714 of 2020 (The District Primary School Council,

Murshidabad and another Vs Bhriguram Karmakar and others), a Division Bench of the is Court directed that the writ petitioners, respondents therein would be entitled to A category pay scale with effect from 2005-06 subject to the result of the appeal.

7. By the said appeal being MAT 714 of 2020, MAT 107 of 2022 and four other appeals were disposed of by judgment dated January 5, 2024 confirming the detailed reasons given in the interim order dated February 11, 2021 (supra). The order of this bench dated 15th January 2020 (supra) was therefore upheld.
8. In the above circumstances, the aforesaid decision of the Division Bench dated February 11, 2021 (supra) and January 5, 2024 (supra) are binding on this Court. The petitioners are therefore entitled to A category pay scale with effect from 2005-06 and all consequential benefits.
9. The petitioners are, therefore, equally entitled to be empanelled for the post of Head Teacher having regard to their A category pay scale with effect from 2005-06, subject to the seniority.
10. The writ petition is disposed of.
11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)