

10.04.2024.
Court No. 13
Item No. 57
ap

W.P.A. No. 9756 of 2024

**Sri Indrajit Goswami
Versus
The State of West Bengal & Ors.**

Mr. Sourav Mitra,
Mr. Dwarika Nath Mukherjee,
Mr. Pradip Kumar Ghosh.

...For the petitioner.

1. The subject matter of challenge in the instant proceeding is an order dated 20th September, 2023 passed by the Joint Secretary, School Education Department, Government of West Bengal, denying A category pay scale to the petitioner from the year 2011. The petitioner retired from service on 30th September, 2023. His Pension Payment Order has not been issued.

2. It appears from the records of the instant case that the petitioner joined service prior to 2001. He underwent PTTE examination on the directions of the District Primary School Council for the session 2005-06. The said directions, inter alia, were contained in the memo dated December 27, 2000. The examination was held later. The results of the PTTE were, however, declared in the year 2011. He also became Head Teacher on 12th November, 2012.

3. By the impugned order, it has been held that the petitioner's qualification of PTTE must be

deemed to have been obtained only in the year 2011 and consequently he was not entitled to either A category pay scale or to the post of Head Teacher.

4. 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.

5. 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.

6. The aforesaid decision dated January 15, 20020 was carried by the State along with few other matters before a Division Bench of this Court.

7. 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.

8. 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.

9. 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 petitioner is therefore entitled to A category pay scale with effect from 2005-06 and all consequential benefits.

10. The petitioner is, therefore, equally entitled for the post of Head Teacher having regard to his A category pay scale with effect from 2005-06.

11. In view of the above, the impugned order dated 20th September, 2023 shall stand set aside.

12. The District Inspector of Schools (PE), Hooghly shall process the petitioner's service book and certify the last drawn pay of the petitioner as he was getting on the date of superannuation in "A" category pay scale with effect from 2006.

13. The papers shall be forwarded to the Director of Pension, Provident Fund and Group

Insurance, West Bengal within a period of three weeks from date. The Director of Pension, Provident Fund and Group Insurance shall thereafter issue Pension Payment Order within a period of one month thereafter.

14. Let all arrears of pension be paid to the petitioner within a period of one month thereof.

1. With the aforesaid observations, the instant writ petition shall stand disposed of.

2. There will be no order as to costs.

3. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)