

S/L 43
13.05.2024
Court. No. 13
*Sourav/
Suwayan*

WPA 10320 of 2024

**Debasis Sarkar & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Mr. Sk. Imtiaj Uddin

... For the Petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Manda;

... For the DPSC Purulia.

Mr. Biswajit De
Ms. Chandramala Mukherjee

... For the State.

1. Affidavit of service filed in Court today is taken on record.

2. Evidence of payment of court fees has been produced in Court, which is taken on record.

3. It appears from the records of the instant case that the petitioners joined service prior to 2001. They underwent PTTI examination on the directions of the District Primary School Council, Purulia. The examination was held later. The results of the PTTI were, however, declared in the year 2011.

4. Mr. Ekramul Bari, 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, 2020 was carried by the State along with few other matters before a Division Bench of this Court.

7. By an interim order with detailed reasons dated February 11, 2021 passed in MAT 714 of 2020 (The District Primary Council, Murshidabad and Another Vs. Bhriguram Karmakar and Others), a Division Bench of this 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 January 15, 2020 (supra) was, therefore, upheld.

9. In the above circumstance, the aforesaid decision of the Division Bench dated February 11, 2021 (supra) and January 5, 2024 (supra) are being on this Court. The petitioners are, therefore, entitled to A category pay scale with effect from the last date of P.T.T.I. Examination and all consequential benefits within a period of one month from date.

10. The petitioners are, therefore, equally entitled to be empanelled for the post of Head Teacher having regard to his A category pay scale subject to the seniority.

11. In view of the above, the writ petition being **WPA 10320 of 2024** is disposed of.

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

(Rajasekhar Mantha, J.)