

S/L 89
13.05.2024
Court. No. 13
*Sourav/
Suwayan*

WPA 10121 of 2024

**Bankim Goswami
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Mr. Sk. Imtiaj Uddin

... For the Petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mandal

... For the DPSC Purulia.

Mr. Malay Kr. Singh
Mr. Ejaj Hossain

... For the State.

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

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

4. Mr. Ekramul Bari, learned counsel appearing for the petitioner relies upon a decision dated January 15, 2020 passed in WP 15294 (W) of 2018 (Bhiguram Karmakar and Others Vs. State of West Bengal and Others) whereby it was held that persons similarly situated like the petitioner was 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. Bhrigum Karmakar and Others), a Division Bench of this Court directed that the writ petitioner, 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 petitioner is, therefore, entitled to A category pay scale with effect from the last date of P.T.T.I. Examination.

10. It is submitted by Mr. Bari, learned counsel for the petitioner received "A" category scale of pay w.e.f. May, 2019. Let the arrears be paid to the petitioner being the difference between the "A" category pay scale and actual pay received by the petitioner from January, 2019 and all consequential

benefits within a period of one month from date including pay fixation.

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

12. In view of the above, the writ petition being **WPA 10121 of 2024** is disposed of.

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

(Rajasekhar Mantha, J.)