

S/L 44
13.05.2024
Court. No. 13
*Sourav/
Suwayan*

WPA 12045 of 2024

**Nepal Chandra Bauri & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. G. F. Hossain
Ms. Varsha Roy

... For the Petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Nilay Baran Mandal

... For the DPSC Purulia.

Mr. Malay Kr. Singh
Ms. Neelam Singh

... For the State.

1. Affidavit-of-service filed on behalf of the petitioners and report of the State be kept with the record.

2. 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 result of the PTTI was, however, declared in the year 2011.

3. Mr. Hossain, learned counsel appearing for the petitioners relies upon a decision dated January 15, 2020 passed in W.P. No. 15294 (W) of 2018 (Bhriguram Karmakar & Ors. – Vs. – The State of West Bengal & Ors.) whereby it was held that persons similarly situated like the petitioners were entitled to “A” category pay scale with effect from 2005-2006 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 present case.

5. The aforesaid decision dated January 15, 2020 was carried in appeal 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 M.A.T. No. 714 of 2020 (The District Primary School Council, Murshidabad & Another – Vs. – Bhriguram Karmakar & Ors.), a Division Bench of this Court directed that the writ petitioners, respondents therein would be entitled to “A” category pay scale with effect from 2005-2006 subject to the result of the appeal.

7. By the said appeal being M.A.T. No. 714 of 2020, M.A.T. No. 107 of 2022 and four other appeals were disposed of by a 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 the last date of PTTI examination and all consequential benefits within a period of one month from date.

9. 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.

10. With the aforesaid directions, the instant writ petition shall stand disposed of.

11. There will be no order as to costs.

12. 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.)