

WPA 12884 of 2021

**Aloke Kumar Goswami & Ors.
Vs.
State of West Bengal & Ors.**

**Mr. Ekramul Bari,
Mr. Sk. Imtiaj Uddin.
... for the petitioners**

**Md. Sarwar Jahan,
Sk. Nayeemul Haque.
... for the DPSC, Murshidabad**

**Mr. Bhaskar Prasad Vaisya, Id. A.G.P.,
Mr. Ranjan Saha.
... for the State**

1. The writ petitioners were the primary teachers under the West Bengal Board of Primary Education and were appointed at various schools under Murshidabad District Primary School Council, in Murshidabad district. The writ petitioners have been appointed between the period from 01.07.1999 to 05.10.2001. All the writ petitioners were retired from their respective services in the year 2018.

2. The writ petitioners have put forth the grievance that starting from the date of their appointment till the month of October, 2018 they have been granted 'A' Category scale of pay. However, after October 2018, the said benefit has been curtailed, which according to the petitioners, is only arbitrary and illegal.

3. The petitioners have filed the present writ petition for redress of their grievance as above with the prayers, inter alia, that (i) A-category scale of pay be granted to the petitioners with effect from the

month of November, 2018 till the date of their retirement; (ii) consequential retiral benefits in terms of pay as per A category scale, be also granted to them.

4. Mr. Bari, learned counsel appearing for the writ petitioners has pointed out to the fact that the writ petitioners were trained for one year in PTI course from the recognized institution/s, during the session from 2005-2006. However, the results were announced only in the year 2011. As such they would be eligible for 'A' category scale of pay. It is stated that the due benefit as above has been curtailed for the writ petitioners on the ground that, they were not qualified with completed training of PTI, the reason being the results having not been published till the year 2011.

5. Mr. Bari, learned counsel has further relied on the judgment of the Hon'ble Division Bench of this Court passed on 05.01.2024, in Appeal Nos. MAT 107 of 2022 with CAN 1 of 2022, MAT 714 of 2020, MAT 715 of 2020, MAT 716 of 2020 with CAN 1 of 2022 and an interim order passed in the said appeals, dated 11.02.2021.

6. Mr. Bari, learned counsel says that the ratio of the decision of the Hon'ble Division Bench in the said judgment is squarely applicable in case of the present petitioners in so far as the petitioners are similarly placed.

7. Mr. Bari, learned counsel has taken this Court to the relevant portion of the interim order of

the Hon'ble Division Bench as well as of the final order thereof, to show that pursuant to the said order the benefit of 'A category' scale of pay, which was earlier curtailed by the respondent authorities towards the respective incumbents, has been restored by the Court, as well as all consequential benefits with arrears have been granted to the concerned incumbents.

8. Mr. Bari, insists that the present writ petition be also disposed of in the light of the observations and decisions of the Hon'ble Division Bench as made dated 11.02.2021 and 05.01.2024 respectively, as mentioned above.

9. Mr. Saha, learned counsel for the State respondent led by Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader, and Md. Sarwar Jahan, learned counsel for the District Primary School Council are present.

10. Affidavit-in-opposition has been submitted on behalf of the State respondent. However, neither of the respondents have denied knowledge about the interim as well as final order passed by the Hon'ble Division Bench of this Court, in the said appeal, as mentioned above. It is also not denied that the present petitioners are standing at the similar footing with the parties in the said appeal.

11. Consequently, this Court finds it proper to dispose of the present writ petition in the light of the observations and decisions of the Hon'ble Division Bench passed in the appeal as mentioned above.

12. Para (iii) of Government Order No. 209-SE(EE)/PTTI-7/2011 dated 04.03.2013 says that the teachers who had attained one year/two years diploma in elementary education from the State recognized institutions and appointed as a teacher on or before 31.12.2005 shall be treated as trained teacher. The writ petitioners fall within that category, who have been appointed before 31.12.2005 and have attended the course as above from State recognized institution/s.

13. Accordingly, it is held that the present writ petitioners shall be treated as trained teachers in view of para III of the notification no. G.O. No. 209-SE(EE)/PTTI-7/2011 dated 04.03.2013. The writ petitioners are entitled to the 'A Category' scale of pay with effect from the date from which such benefit was curtailed to the petitioners. It is further directed that the writ petitioners shall be entitled to the pay fixation as well as fixation of pension in terms of the revised pay in accordance with the instant order. The respondents shall take necessary steps for grant of arrears of salary as well as pension, forthwith.

14. With the directions as above, this writ petition is disposed of.

15. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rai Chattopadhyay, J.)