

09.07.2024.
Court No. 13
Item No. 11
sp

W.P.A. No. 16110 of 2024
Nanda Sinha & Ors.
Versus
The State of West Bengal & Ors.

Md. Sarwar Jahan,
Mr. Subrata Ghosh,
Ms. Tapati Sarkar.

...For the petitioners.

Mr. Santanu Kumar Mitra,
Mr. Subhabrata Das.

...For the State.

Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Baran Mandal

...For the DPSC, Kolkata

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioners are aggrieved by an order dated 2nd May, 2024 issued by the Kolkata Primary School Council by which 18 years CAS benefit has been withheld by them.
3. The District Inspector of Schools (PE), Kolkata has filed a report dated 25th June, 2024 stating that unless the District Primary School Council takes a decision in the matter, they are in no position to take further steps with regard to the salaries and the 18 year benefit of the petitioners.
4. It appears from the submissions of the learned Counsels for the parties that District Primary School Council, Kolkata has relied upon a Government Order dated 4th March, 2013 for withholding the said 18 year benefits to the petitioners.

5. The said Circular being G.O. No. 209 dated 4th March, 2013 has been approved and applied by a Division Bench of this Court in MAT 714 of 2020 (The District Primary School Council, Murshidabad and another Vs Bhuriguram Karmakar and others).

6. In essence the Memorandum of the said Government Order indicated that the teachers who complete the one year PTTE Course while in service or were trained at the time of entry into the service would be entitled to “A” category pay scale from the date of obtaining qualification as the case may be.

7. In the above circumstances, the District Primary School Council, Kolkata shall forthwith revisit the said decision dated 2nd May, 2024 and pass appropriate orders releasing the 18 years benefit to the petitioners and duly approving “A” category pay scale to them.

8. This order shall not, however, prevent the District Primary School Council, Kolkata from re-verifying the credentials of each of the petitioners.

9. It is expected that the said decision is taken by the District Primary School Council, Kolkata within a period of three months from date.

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

11. The instructions of the District Inspector of Schools (PE), Kolkata dated 25th June, 2024 filed in Court today also kept with the record.

12. There will be no order as to costs.

13. 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.)