

102 **05.08.**
2024

Ct. No. 08

ab

MAT 1216 of 2024
IA No. CAN 1 of 2014

Bipra Kundu
Vs.
The Union of India and others.

Mr. Biswarup Biswas,
Mr. Pratap Sanfui.

... for the appellant.

Mr. Dhiraj Trivedi,
Mr. Arijit Majumdar.

... for the Union of India.

Mr. Krishna Das Poddar.

... for the State.

The writ petition filed by the appellant is disposed of by the impugned order dated 10th June 2024 in WPA 17620 of 2023 directing the respondent authorities to consider as to whether the appellant’s diploma/degree in D.El.Ed course from the National Institute of Open Schooling is recognized by the Board in view of the decision rendered by the Apex Court in **Jaiveer Singh & Ors. Vs. State of Uttarakhand**, reported in **2023 SCC Online SC 1584**.

At the first blush, we were thinking whether the appellant can be said to be an aggrieved person when no final decision has been taken in the writ petition and the ball was rolled in the Court of the statutory authorities to take a final decision, but our attention is drawn to the various issues relating to the acquisition of the diploma/degree in Elementary and Special Education, which, according to the writ petitioner/appellant, are required to be considered.

It is not in dispute that the appellant is getting ‘A’ category scale of pay from 2019, but filed the writ petition claiming such benefit from the date of her appointment i.e. 11th February 2017. The aforesaid claim

is based upon the certificate she obtained in D.Ed (Special Education) and D.El.Ed training course.

By the impugned order, the Court has restricted the consideration to an accreditation in D.El.Ed course and omitted to include the D.Ed., as prayed in the said writ petition.

The arguments are advanced in relation to the effect of those diploma/degree while undergoing such courses to which the Single Bench has directed the authorities to arrive at the conscious decision.

Since we find that there is an omission of D.Ed., we, therefore, modify the impugned order to the effect that while considering the claim of the writ petitioner/appellant, the authority shall also take into account the D.Ed. course along with D.El.Ed and shall communicate the said decision to the appellant immediately after the same is taken.

With these observations, the appeal and the connected application being CAN 1 of 2024 are disposed of.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)

