

W.P.A. 15618 of 2023

**Bratati Bala & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana
Mrs. Sudipta Pramanik

...for the Petitioners

Mr. Shamim Ul Bari
Md. Mudassar Nazar Chowdhury

...for the State

In terms of the order dated 24th September, 2024 supplementary affidavit has been filed today on behalf of the petitioners and same is taken on record.

In the supplementary affidavit it has been disclosed that out of 17 petitioners, petitioner nos.7, 11, 12 and 16 are presently working under the jurisdiction of District Inspector of Schools (S.E.), Siliguri. Therefore, it is submitted on behalf of the petitioners that the issue involved in this writ petition needs to be decided in connection with those aforesaid four petitioners only.

Accordingly, department is directed to expunge names of other petitioners excepting petitioner nos.7, 11, 12 and 16 from array of petitioners as delineated in the cause title of the writ petition by ten days from date. Learned advocate for the petitioners is directed to co-operate with the department in making necessary amendments in the cause title.

It has been submitted on behalf of the aforesaid four petitioners that all of them were appointed against

additional posts in different schools in 2013 and they acquired B.Ed qualification in 2018. It is further submitted that these petitioners were allowed incremental benefits from their respective dates of appointment for a period of five years, that is, up to 2017 and in 2018 they were not accorded incremental benefits for not having B.Ed qualification. However, it is also submitted that from 2019 onwards incremental benefits were revived and they are at present in receipt of incremental benefits. Petitioners pray for sanction of incremental benefits in connection with B.Ed qualification for the year 2018. In support of such prayer, it has been contended on behalf of the petitioners that since initially they were appointed against additional posts, they were not permitted to undergo B.Ed course till those posts were made permanent or retained by the concerned State respondents. It is submitted as per norms a teacher if is appointed in additional post, till such post is retained or made permanent, said teacher is not permitted to undergo B.Ed course on deputation. According to the petitioners in order to retain such posts against which they were appointed or to make those posts permanent some time was consumed during which period they were not permitted to take admission in B.Ed course as a result thereof petitioners could not obtain B.Ed qualification within the prescribed period of five years. Therefore, according to the petitioners delay is not

attributable to them rather they were appointed against additional posts as such they were not permitted to take admission in B.Ed course which made them eligible to receive incremental benefits in connection with B.Ed qualification in 2018 upon relaxation of norms.

State respondents are represented by learned advocate who submits that *vide* memo dated 23rd December, 2019, District Inspector of Schools (S.E.), Siliguri solicited clarification from the Commissioner of School Education, West Bengal for sanctioning incremental benefits in favour of the petitioners for the year 2018. However, from the records it appears that till date Commissioner of School Education, West Bengal has not taken any final decision.

Having considered the aforesaid issue leave is granted to the petitioners to separately make representations to the Commissioner of School Education, West Bengal being respondent no.3 by fortnight from date. If representations are made within the aforesaid time, respondent no.3 shall consider those representations separately and decide the entitlement of the petitioners to receive incremental benefits in connection with B.Ed degree for the year 2018 within a period of twelve weeks thereafter, after granting opportunity of hearing to the petitioners or their representatives. The decision to be taken by the

respondent no.3 shall be communicated to the petitioners by two weeks thereafter.

Hence, writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)