

Item No.36

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

31.07.2024
Ct-14
AGM

WPA 18814 of 2024

Asim Kumar Manna
vs.
The State of West Bengal & Ors.

Mr. Chittopriya Ghosh.
Mr. Kuntal Roy.
Mr. Somesh Kumar Ghosh.
Ms. Priyanka Saha. ... for the petitioner.

Mr. Samiran Giri.
... For the DPSC, Purba Midnapore.

Mr. Biswabrata Basu Mallick.
Mr. Munmun Ganguly.
... For the State.

Affidavit-of-service filed today in Court be kept
with the records.

The petitioner seeks 'A' category scale of pay. It
has been submitted that the effect of 'A' category scale of
pay has been given from a later date but not from the
next date of completion of the examination of the
training course.

Learned advocate representing the Council relies
upon the notification dated 4th March, 2013 by the Joint
Secretary, School Education Department, (Elementary
Education Branch) relating to grant of 'A' category scale
of pay to primary school teachers.

It mentions that teachers who have completed two
years diploma in elementary education from NCTE

recognized institution before/after their entry in service shall be treated as trained teachers and may be allowed 'A' category scale of pay.

It has been submitted that the same implies that only on completion of the course, the benefit can be extended to the teacher. According to the Council, conclusion of the course would be only upon declaration of the result and not prior thereto.

The proviso to the first clause of the aforesaid notification has been pressed. It has been submitted that the scale of pay will be allowed only from the date of attainment of the qualification of D.El.Ed. The petitioner attained the D.El.Ed qualification in the year 2022 upon declaration of the result and, accordingly, the prayer of the petitioner for grant of 'A' category of scale of pay on and from the next date of conclusion of the examination of the course ought not to be allowed.

I have heard the submissions made on behalf of the parties.

The issue as to whether the teacher would be entitled to receive 'A' category of scale of pay on and from the date of declaration of the result or on and from the next date of conclusion of the examination of D.El.Ed course has been conclusively decided by this Court in several matters.

The Court has considered the subject notification dated 04.03.2013 placed before this Court and has opined that 'A' category scale of pay shall be payable on and from the next date of conclusion of the examination of the D.El.Ed course and not from the date of declaration of the result. This Bench has not been made aware of any order that has been passed in appeal or otherwise setting aside/varying or modifying the said order.

There is no reason as to why a candidate should be deprived of the benefit of receiving the higher scale of pay on account of the delay on the part of the examination conducting authority to declare the result. As the candidate successfully completed the course and sat in the examination, accordingly, the benefit ought to be awarded on and from the next of completion of the examination.

In view of the above, the contention of the respondents cannot be accepted by the Court.

The concerned D.I of schools is directed to treat the petitioner as a trained candidate on and from 17.03.2019 and take steps to pay 'A' category scale of pay on and from the said date.

Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)