

28/09.2024
SL. 16
Ct. No. 17
NB

WPA 21290 of 2024

Minhaz Sarkar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sakhawat Khandakar
...for the petitioners.

Mr. Biswabrata Basu Mallick Id.AGP.,
Mr. Biman Halder,
Mr. Amman Arif Ansari.
... for the DPSC, Hooghly.

Mr. Supriyo Chattopadhyay Id. AGP.,
Ms. Iti Dutta.
..for the State.
Ms. Asha Gaurisaria Gutgutia
...for the NCTE

Leave is granted to add the Commissioner of School Education as a respondent.

Necessary corrections be effected in course of the day.

Affidavit of service filed in Court is retained with the records.

The petitioners are primary school teachers in the district of Hooghly. They possess B.Ed. qualification. They seek 'A' category scale of pay.

Reliance has been placed on the judgment passed by the Hon'ble Division Bench on 30th July, 2024 in MAT 1038 of 2024 with CAN 1 of 2024, CAN 2 of 2024 and CAN 3 of 2024 in the matter of *Waliur Rahaman & Ors. Vs. The State of West Bengal & Ors.* The petitioners stress that they are similarly situated as that of the appellants in the aforesaid appeal and the

order passed by the Hon'ble Division Bench ought to be made applicable in their case.

The Hon'ble Division Bench observed that there are several candidates who were getting 'A' category scale of pay despite not having undergone the six months' bridge course. In fact, the petitioners have also not undergone bridge course as the said course is yet to be formulated by NCTE.

The Hon'ble Division Bench directed that the candidates should be provided 'A' category scale of pay in the same manner as provided to the other teachers. The Court directed the authority to take an independent decision in granting the said scale of pay from the date on which each of the appellants are entitled to.

In line with the judgment passed by the Hon'ble Division Bench, the Commissioner of School Education is directed to take a decision with regard to the prayer of the petitioners for granting 'A' category scale of pay in the light of the judgment delivered in the matter of *Waliur Rahaman* (supra). A decision shall be taken in the matter at the earliest but positively within twelve weeks from the date of communication of this order.

All points are kept open to be agitated before the Commissioner of School Education.

If the petitioners are found entitled to receive the 'A' category scale of pay, then necessary consequential steps shall be taken in the matter immediately thereafter.

Learned counsel representing the petitioners is directed

to forward the documents of the petitioners relying on which 'A' category scale of pay has been sought for along with a copy of the judgment passed in the matter of *Waliur Rahaman* (supra) to the aforesaid respondent at the time of communicating the order of the Court.

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.

(Jay Sengupta, J.)

