

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

19. 09. 2024

BP
SL. 22
Court No. 14

WPA 22526 of 2024

Rezaul Saikh & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Soumya Majumder
Mr. Anindya Bose
Mr. Santanu Maji
Mr. Subhayu Das
..for the petitioners

Mr. Supriya Chattopadhyay
Ms. Sayantanee Bhattacharya
... For the State.

Md. Sarwar Jahan
Mr. Nayeemul Hoque
... for the DPSC, Murshidabad.

Mr. Ratul Biswas.
Mr. Kaushik Chowdhury.
..for the WBBPE.

The receipt showing deposit of deficit court fees and the affidavit of service filed in Court is retained with the records.

The petitioners are primary school teachers in the district of Murshidabad. 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 and

others Vs. The State of West Bengal and others. 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.

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 advocate 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.

(Amrita Sinha, J.)

