

20.03.2024
ct no. 13
Sl. 1
AP

WPA 20771 of 2019

**Manas Karmakar
-Versus-
The State of West Bengal & Ors.**

Mr. Prahlad Chandra Ghosh
Mr. Subir Hazra

..for the petitioner.

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta

....for the State.

Ms. Sumita Sen

....for the B.D.P.S. Council.

1. The subject matter of challenge in the instant proceeding is an order dated December 19, 2014 passed by the Joint Secretary, School Education Department, Government of West Bengal, denying A category pay scale to the petitioner and consequently the post of Head Teacher.
2. It appears from the records of the instant case that the petitioner joined service prior to 2001. He underwent PTTE examination on the directions of the concerned District Primary School Council for the session 2005-06. The said directions, inter alia, were contained in the memo dated December 27, 2000. The examination was held later. The

results of the PTTE were, however, declared in the year 2011.

3. By the impugned order, it has been held that the petitioner's qualification of PTTE must be deemed to have been obtained only in the year 2011 and consequently he was not entitled to either A category pay scale or to the post of Head Teacher prior to the said date.
4. Mr. P.C. Ghosh, learned counsel appearing for the petitioner relies upon a decision dated January 15, 2020 passed in WP 15294 (W) of 2018 (Bhriguram Karmakar and others Vs. State of West Bengal and others) whereby it was held that persons similarly situated like the petitioner was entitled to A category pay scale with effect from 2005-06 and consequently entitled to the post of Head Teacher.
5. It may be necessary to distinguish another category of persons who are entitled to A category pay scale without being entitled to the post of Head Teacher, after having completed 18 years of continuous service as Assistant Teacher under the WBBPE. The said category however has no relevance in the facts of the case.

6. The aforesaid decision dated January 15, 2020 was carried by the State along with few other matters before a Division Bench of this Court.
7. By a interim order with detailed reasons, dated February 11, 2021 passed in MAT 714 of 2020 (The District Primary School Council, Murshidabad and another Vs Bhriguram Karmakar and others), a Division Bench of the is Court directed that the writ petitioners, respondents therein would be entitled to A category pay scale with effect from 2005-06 subject to the result of the appeal.
8. By the said appeal being MAT 714 of 2020, MAT 107 of 2022 and four other appeals were disposed of by judgment dated January 5, 2024 confirming the detailed reasons given in the interim order dated February 11, 2021 (supra). The order of this bench dated 15th January 2020 (supra) was therefore upheld.
9. In the above circumstances, the aforesaid decision of the Division Bench dated February 11, 2021 (supra) and January 5, 2024 (supra) are binding on this Court. The petitioner is therefore entitled to A category

pay scale with effect from 2005-06 and all consequential benefits.

10. The petitioner is, therefore, equally entitled to be empanelled for the post of Head Teacher having regard to their A category pay scale with effect from 2005-06, subject to the seniority.
11. The writ petition is disposed of.
12. There shall be no order as to costs.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)