

WPA 23744 of 2024

Shreebash Paul & Ors.
Vs
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Sampriti Saha

.....for the Petitioners

Mr. Samim Ul Bari
Mr. Parikshit Goswami

.....for the State

Mr. Avishek Prasad

...for the DPSC

Ms. Sanchita Barman Roy
Mr. Nilarnab Paul

...for the respondent
Nos. 12,13,14 & 15

Ms. Asha G. Gutgutia

...for the NCTE

Mr. Kaushik Chowdhury

...for the WBBPE

Affidavit-of-service filed in Court today is taken on record.

Receipt showing payment of deficit Court fees is taken on record.

The petitioners are primary school teachers in the district of Malda. All the petitioners have the B.Ed. qualification.

Malda District Primary School Council (DPSC) registered the names of the petitioners for undergoing 2(two) years D.El.Ed course. The petitioners are aggrieved by the same.

It appears that the Hon'ble Supreme Court in the matter of ***Devesh Sharma vs. Union of India & Ors.***

has passed an order on 8th April, 2024 in Miscellaneous Application Diary No. 4303/2024 in C.A. No. 5068/2023 categorically mentioning that the candidates having B.Ed. qualification will have to undergo a bridge course. The course shall be designed by the National Council for Teacher Education within a period of 1(one) year from the date of the order.

As the issue in question has been put to rest by the aforesaid order of the Hon'ble Supreme Court, accordingly, the Malda DPSC cannot override the same and direct the petitioners to undergo 2(two) years D.El.Ed. training.

In view of the above, the Malda DPSC is directed to take steps strictly in terms of the order passed by the Hon'ble Supreme Court in the matter of Devesh Sharma (supra).

Instruction forwarded by the Chairman, District Primary School Council, Malda signed on 8th September, 2024 be retained with the records.

The petitioners seek 'A' category scale of pay relying upon the order passed by the Hon'ble Division Bench of this Court in the matter of ***Waliur Rahaman & Ors. vs. The State of West Bengal & Ors. in MAT 1038 of 2024 with CAN 1 of 2024, CAN 2 of 2024 and CAN 3 of 2024.***

The prayer of the petitioners seeking 'A' category scale of pay is pending consideration at the end of the Commissioner of School Education.

The Commissioner is directed to consider the prayer of the petitioners for grant of 'A' category scale of pay in the light of the order passed by the Hon'ble Division Bench in the matter of Waliur Rahaman (supra). In the event the Commissioner is of the opinion that the petitioners would be entitled to the 'A' category scale of pay, then necessary consequential steps shall be taken by the authority immediately thereafter.

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 photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J)