

October 3, 2024

AD 15

Ct. 17

SG

WPA 25121 of 2024

Kamalendu Majumder and others

vs.

The State of West Bengal and others

Mr. Anindya Bose

Mr. Santanu Maji

Mr. Subhayu Das

Mr. Mridul Biswas

... for the petitioners.

Mr. Bhaskar Prasad Vaisya

Mr. Sagnik Chatterjee

... for the State.

Mr. Ratul Biswas

Mr. Kaushik Chodhury

... for the WBBPE.

Mr. Pinaki Bhattacharya

... for the DPSC, North 24 Pgs.

Affidavit of service filed in Court is taken on record.

Receipt of payment of Court fees as filed by the
petitioner is also taken on record.

The petitioners are primary school teachers in the
district of North 24-Parganas. 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.]