

S/L 16
14.05.2024
Court No.13
*Suvayan/
Sourav*

WPA No. 27394 of 2022

**Waliur Rahaman & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Biswarup Bhattacharya
Mr. Anindya Bose
Mr. Santanu Maji
Mr. Subhayu Das
Mr. Debadipto Banerjee*

...for the petitioners.

Mr. Ritesh Ganguly

...for the State.

*Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury*

...for the W.B.B.P.E.

*Mr. Md. Sarwar Jahan
Mr. Sk. Nayeemul Hoque
Mr. Asif Mehdi*

...for the respondent nos. 7 & 8.

1. Evidence of payment of court fees in respect of all the petitioners be kept on record.
2. Petitioners are all in-service teachers under the D.P.S.C., Murshidabad. They have been recruited and appointed based on their B.Ed qualification.
3. Since, after the decision of the Hon'ble Supreme Court in the case of ***Devesh Sharma vs. Union of India*** reported in **2023 SCC Online SC 985**, B.Ed is no longer a recognized training qualification for teaching students in the primary level in the country.
4. By a clarification dated April 8, 2024, the Hon'ble Supreme Court has indicated that the judgment of

Devesh Sharma (Supra) shall not apply to in-service teachers.

5. The petitioners are aggrieved that they are getting only 'B' category pay scale despite serving for long. The D.I. of School, Primary Education, Murshidabad has required the petitioners to undergo a bridge course of six months to entitle them to the 'A' category pay scale vide order dated November 14, 2022.
6. The petitioners have two-fold grievance as regards the above communication. Firstly that there are no available institution recognized by the N.C.T. within the State where the petitioners can undergo the aforesaid bridge course. Secondly, that there are teachers under various other D.P.S.C.s who are getting 'A' category pay scale without undergoing the aforesaid bridge course.
7. This Court, therefore, directs the Additional Secretary, Elementary Education Department to identify and communicate to the petitioners the name of the institution recognized by the N.C.T. where they can undergo the bridge course as aforesaid. In the event, there is no institution made available to the petitioners by the State, the petitioners' claim for 'A' category pay scale shall be deemed to have crystallized eight months from date.
8. Needless to mention, if an institution is identified and the petitioners undergo the aforesaid bridge course, it is only upon successful completion of the same that they would be entitled to 'A' category pay scale.

9. It is expected that the communication to the petitioners shall also be widely published across the State and to all D.P.S.C.s for informing the teachers concerned.
10. Let the Additional Secretary, Elementary School Education Department, Bikash Bhawan, Salt Lake City, Kolkata – 91 be added as a party respondent to the instant proceeding. Learned Advocate-on-Record of the petitioners shall amend the cause title in the course of the day, let service be effected.
11. Let a copy of the writ petition be served upon the added respondent along with a copy of this order.
12. The N.C.T.E., respondent no. 9 shall extend all cooperation to the added respondent and the State.
13. With the aforesaid observation, **WPA 27394 of 2022** is disposed of.
14. Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Rajasekhar Mantha, J.)