

02-07-2024
ct no. 13
Sl.334
sp

WPA 27929 of 2016
Sri Tapas Kumar Saha & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. Sk. Imtiaj Uddin

...for the petitioner

1. It appears from the records of the instant case that the petitioner joined service prior to 2000. They underwent PTTI examination on the directions of the District Primary School Council, Birbhum. The examination was held later. The results of the PTTI was, however, declared in the year 2011.
2. Mr. Ekramul Bari, learned counsel appearing for the petitioners 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 were entitled to A category pay scale with effect from 2005-06 and consequently entitled to the post of Head Teacher.

3. 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.
4. The aforesaid decision dated January 15, 2020 was carried by the State along with few other matters before a Division Bench of this Court.
5. By an 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 this 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.
6. 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.

7. 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 petitioners are therefore entitled to A category pay scale with effect from the last date of P.T.T.I. Examination and all consequential benefits within a period of one month from date.
8. The petitioner is, therefore, equally entitled to be empanelled for the post of Head Teacher having regard to their A category pay scale subject to the seniority.
9. The impugned order dated 26th December, 2014 issued by the Deputy Secretary, School Education Department, shall stand set aside.
10. With the aforesaid directions, the instant writ petition shall stand disposed of.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)