

29.07.2024
Ct. No.14
S.L. No.14
KB

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 28082 of 2023

**Chandra Sekhar Ghosh
-versus
The State of West Bengal & Ors.**

**Mr. Haradhan Mondal
...For the Petitioner.**

**Ms. Oindrila Chatterjee
...For State**

**Mr. Saibal Acharryya
Mr. Tanweer J. Mandal
... For Chairman, DPSC,
Purba Bardhaman.**

The petitioner is aggrieved by the order of the Chairman, District Primary School Council, Purba Bardhaman dated 23rd January, 2023 directing re-casting the service book of the petitioner allegedly because the petitioner will not be entitled to 'A' category scale of pay.

The petitioner was appointed in the year 1995 as a trained primary school teacher with B.P.Ed. qualification. He was all along paid 'A' category scale of pay from his initial date of appointment.

After retirement the Council opined that pensionary benefit may be released in favour of the

petitioner at 'B' category scale of pay and his service book be re-cast accordingly. The amount drawn by the petitioner as overdrawal was not directed to be refunded or adjusted.

The petitioner submits that he was all along treated as trained candidate and he obtained the Diploma in Elementary Education from the State recognized institution before 31st December, 2005 in terms of G.O. No.209-SE(E)/PTTI-7/2011 dated 4th March, 2013 issued by the Joint Secretary, Government of West Bengal, School Education Department. The teachers who obtained 1 yr/2 yrs. Diploma in Elementary Education from the State recognized institutions and appointed before 31st December, 2005 has been treated as trained teachers.

In the instant case, the petitioner underwent PTTI Training Certificate Course in the year 2005-2006.

The Sub-Inspector of Schools, Durgapur-II circle has forwarded a letter signed on 24th July, 2024 clearly mentioning that the petitioner may be entitled to 'A' category scale of pay with effect from the date of publication of the result i.e. 14th July, 2011.

Whether a teacher will be entitled to 'A' category scale of pay on and from the date of declaration of the result or from the next date of conclusion of the examination is no longer *res integra*.

It has been conclusively decided by the Court that the teacher would be entitled to the 'A' category scale of pay on and from the next date of the examination.

In view of the above, the impugned order passed by the Chairman, District Inspector of Schools, Purba Bardhaman is set aside.

The District Inspector of Schools (Primary Education), Paschim Bardhaman is directed to treat the petitioner as a trained candidate and grant 'A' category scale of pay to the petitioner on and from the next date of conclusion of the examination.

Report filed in Court today be retained with the records.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)