

29-02-2024
ct no. 13
Sl. 1
sp

WPA 30676 of 2014
Madan Kumar Ray & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Ekramul Bari,
Sk. Intiaj Uddin

..for the petitioners

Ms. Manika Pandit

....for the State

Mr. Saibal Acharyya,
Mr. Tanweer J. Mandal

...for the respondent nos. 3 and 4

1. Leave is granted to the learned Advocate on record of the petitioners to correct the cause title in course of the day.
2. The School Education Department has filed an affidavit. It appears from paragraph no. 8 thereof that the State has taken a view that one year PTTE degree obtained by the petitioners in the year 2005-06 is not valid as per the NCTE norms.
3. The said view has been incorporated in an order dated December 14, 2018 passed by the respondents and was subject matter of a writ petition being WPA 13194 of

2019. The said writ petition was allowed on February 8, 2024, holding as follows,

“It appears from the records of the instant case that each of the petitioners joined service prior to 2001. They underwent PTTE examination on the directions of the District Primary School Council for the session 2005-06. The examination was held later. The results of the PTTE were, however, declared in the year 2011. They also became entitled to the post of Head Teacher subject to seniority with effect from 2005-06.

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 petitioners were entitled to A category pay scale with effect from 2005-06 and consequently entitled to the post of Head Teacher.

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.

The aforesaid decision dated January 15, 20020 was carried by the State along with few other matters before a Division Bench of this Court.

By a interim order with detailed reasons, dated February 11, 2021 passed in MAT 714 of 2020 (The District Primary School Council, Murshidabad and another Vs Bhriquram Karmakar and others), a Division Bench of the is 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.

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.

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 2005-06 and all consequential benefits.

The petitioners are, therefore, equally entitled to be empanelled for the post of Head Teacher having regard to their A category pay scale with effect from 2005-06, subject to the seniority.”

4. In that view of the matter, the instant writ petition is allowed and disposed of.
5. Let all arrears be paid to the petitioners, within a period of 2 months from the date of receipt of a copy of this order.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)