

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

W.P.A 1484 of 2024

**Nabin Saha & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Ekramul Bari.
Sk. Imtiaj Uddin.
Ms. Rinka Chakraborty.
...For the Petitioners.**

**Mr. Nabankur Paul.
Mr. Kumar Shantanu.
... for the State.**

**Mr. Saurav Ganguly.
Mr. Gopal Roy.
Ms. Rishita Chakraborty.
... for the respondent no. 4.**

Leave granted to the learned advocate for the petitioners to deposit deficit court fees by course of tomorrow (27.09.2024).

It is made clear that in the event deficit court fees is not deposited, then this order will be restricted only in respect of the petitioner no. 1 and the writ petition shall be deemed to have been dismissed in respect of the others.

The order of the Chairman, District Primary School Council, Jalpaiguri dated 10th July, 2023 revoking the benefit of granting 'A' category scale of pay to the petitioners in line with the order passed in WPA 994 of 2019 (Subhrajyoti Gangopadhyay & Others –Vs– The State of West Bengal & Others) is impugned in the instant writ petition.

The petitioners have relied upon the subsequent order dated 26th February, 2024 passed by a

Coordinate Bench of this Court in WPA 6809 of 2020 with CAN 1 of 2020 (Subhrajyoti Gangopadhyay & Ors. –Vs– State of West Bengal & Ors) wherein the Court categorically held that the writ petitioners are entitled to ‘A’ category scale of pay with effect from the date from which such benefit was curtailed.

The Court directed that the writ petitioners shall be entitled to pay fixation in terms of the revised pay in accordance with the Court’s order.

It has been submitted that as the Court held that Subhrajyoti Gangopadhyay & Ors (supra) would be entitled to ‘A’ category scale of pay, accordingly, the impugned order of the Chairman of the Council is to be set aside and the benefit granted in favour of Subhrajyoti Gangopadhyay & Ors (supra) be allowed in case of the petitioners herein.

On hearing the submissions made on behalf of the parties, it appears that the benefit of granting ‘A’ category scale of pay to the petitioners was revoked relying upon an order passed in the matter of Subhrajyoti Gangopadhyay & Ors. (supra).

The Court on 26th February, 2024 in WPA 6809 of 2020 in the matter of Subhrajyoti Gangopadhyay & Ors (s) clearly held that the writ petitioners (Subhrajyoti Gangopadhyay & Ors.) would be entitled to ‘A’ category scale of pay.

As the Council has acted in compliance of the order passed by the Court in the matter of Subhrajyoti Gangopadhyay & Ors., accordingly, the petitioners herein ought to be treated in the same footing.

The benefit granted by the Court in the matter of Subhrajyoti Gangopadhyay & Ors. shall be made applicable in respect of the petitioners.

The Chairman, District Primary School Council, Jalpaiguri is directed to grant ‘A’ category scale of pay

to the present petitioners with effect from the date from which such benefit stood revoked.

All arrears in terms of the 'A' category scale of pay shall be disbursed in favour of the petitioners at the earliest but positively within a period of ninety days from the date of communication of this order. The Council shall take steps to fix the pay of the petitioners in terms of the revised pay.

The impugned order of the Chairman is set aside.

The instruction forwarded by the Chairman, District Primary School Council, Jalpaiguri on 20th August 2024 be retained with the records.

Report in the form of affidavit filed by the State respondents be also kept with the records.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)