

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

42 04.9.2024
Sc Ct. no.2

WPA 1848 OF 2024

Goutam Deb Adhikary & Ors.

Vs.

The State of West Bengal & Ors.

Md. Sarwar Jahan

....For the Petitioners

Mr. Momenur Rahman

Mr. Sandip Guha Roy.

....For the State

Ms. Mousumi Bhowal

Mr. Nijam. Mittal.

....For the Respondent

No.3

The petitioners have qualified ***Diploma in Elementary Education*** (D.El.Ed.) as In-Service candidates. They claim the financial benefits with all arrears commensurating with their qualifications ***from the next day of the last examination.***

At present the petitioners are receiving the benefits from the date of publication of their respective results. The relevant averments from the writ petition are quoted below :

“11. Your petitioners state that on their applications, the competent authority has been pleased to allow the petitioner to enjoy salary at “A” category scale of pay for said training qualification, but surprisingly enough the authority has granted such benefits to the petitioners not from the day following last date of examination but from subsequent dates more particularly on and from 26.08.2022 i.e. the day of publication of

notification granting relaxation by the N.I.O.S.

12. In view of the settled position the In-Service Teachers who have completed 2 years D.El.Ed. from NCTE recognized institutions, will be allowed "A" category scale of pay from the date of attainment of such qualification of D.El.Ed.

The petitioners completed their D.El.Ed. training course for the session 2017-2019 and the course of such Training came to an end on 16.3.2019 i.e. the last date of final examination. The petitioners are entitled to get the benefit of "A" category scale of pay from the date of their completion of the training course i.e. 16.3.2019 and not from the date when the result was published. It is the admitted fact that a qualification is attained from the last date of the session if a candidate successfully qualifies the training course and his/her qualification does not commence from the date of publication of the result."

Md. Sarwar Jahan, learned counsel appears for the petitioners.

Mr. Momenur Rahman, learned State counsel appears for the respondent nos. 1, 2 and 4.

Ms. Mousumi Bhowal, learned counsel appears through virtual mode for the respondent no.3.

The law is well settled that, the petitioners are entitled to receive "A" category pay scale from the next day of the last date of their respective examinations and not from the date of publication of the result. It is settled that, a person is deemed to have been qualified from the last date of examination, in the event such person succeeds the same.

In view of the above, the petitioners shall apply by way of written representations annexing all the relevant documents before the respondent no.4 and the respondent no.4 upon verification of all the records and documents and if necessary on the personal presence of the petitioners shall grant the benefits to the petitioners forthwith will all arrears.

The entire exercise shall be carried out and completed by the respondent no.4 positively within a period of ***four weeks*** from the date of receiving the respective applications from the petitioners.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observation and direction this writ petition, ***WPA 1848 of 2024*** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)