

04.10.2024
Court No.2
Sl. No.24
KB

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A 2175 of 2024

Bijay Mukhia
-versus
The State of West Bengal & Ors.

Mr. Ajay Singhal
...For the Petitioner.

Mr. Hirak Barman
Ms. Rima Sarkar
... For State.

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is a retired teacher. He is aggrieved by the act on the part of the respondent authority in reverting him to 'B' Category of scale of pay from the 'A' category.
3. The petitioner relies upon the Primary Teachers Training Certificate issued in his favour by the West Bengal Board of Primary Education in the year 2011 for the examination 2006 in respect of Session 2005-2006.
4. It has been submitted that the petitioner would be entitled to receive 'A' category scale of pay.
5. Reliance has been placed on the order passed by the Hon'ble Division Bench on 5th January, 2024 in a

series of appeals first of which is ***MAT 107 of 2022 with IA No. CAN 1 of 2022 (Sunil Tudu Vs. State of West Bengal & Ors.)*** wherein the Court held that the teacher would be entitled to receive 'A' category scale of pay on the training obtained by the teacher.

6. Admittedly, in the present case the petitioner was paid 'A' category scale of pay but after his retirement the same has been withdrawn unilaterally, without any notice and the petitioner is being paid 'B' category scale of pay at present.
7. As it has been conclusively held by the Hon'ble Division Bench in the matter of Sunil Tudu (supra) that the teacher who completed one year PTTE Course would be entitled to 'A' category scale of pay, accordingly, the decision of the authority to revert the petitioner to 'B' category scale is not proper.
8. In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (Primary Education), Darjeeling to grant 'A' category scale of pay to the petitioner as was granted earlier.
9. The impugned order reverting the petitioner to the 'B' category scale of pay is set aside.
10. Arrears of the petitioner in the scale of 'A' category shall be disbursed at the earliest but positively within a period of twelve weeks from the date of communication of this order.

11. The writ petition stands disposed of.
12. Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)