

11.02.2025.
Item Nos. 28-37.
Court No. 13
ap

M.A.T. No. 203 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6662 of 2016)
Tapas Barik
Versus
State of West Bengal & Ors.
And
M.A.T. No. 204 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6664 of 2016)
Asim Kumar Palui
Versus
State of West Bengal & Ors.
And
M.A.T. No. 205 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6665 of 2016)
Palash Chandra Misra
Versus
State of West Bengal & Ors.
And
M.A.T. No. 206 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6666 of 2016)
Md. Motiour Rahaman
Versus
State of West Bengal & Ors.
And
M.A.T. No. 208 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6668 of 2016)
Niladri Roy
Versus
State of West Bengal & Ors.
And
M.A.T. No. 210 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6669 of 2016)
Sumana Das
Versus
State of West Bengal & Ors.
And
M.A.T. No. 216 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6680 of 2016)
Jhuma Choudhury
Versus
State of West Bengal & Ors.
And
M.A.T. No. 217 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6681 of 2016)

Baghbul Islam
Versus
State of West Bengal & Ors.
And
M.A.T. No. 220 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6686 of 2016)
Manatosh Sarkar
Versus
State of West Bengal & Ors.
And
M.A.T. No. 224 of 2015
With
I.A. No. CAN 1 of 2016 (Old CAN 6678 of 2016)
Santanu Jana
Versus
State of West Bengal & Ors.

Mr. Asok Kumar Janah,
 Mr. Krishna Deo Das.

...For the appellants in all these appeals.

1. The subject appeals are directed against a common judgment and order dated 24th December, 2014 passed by a learned Single Judge of this Court in a batch of 30 writ petitions. Common questions were raised in each of the aforesaid writ petitions.
2. The writ petitioner/appellants were all part time teachers engaged by the State to cater to the student education at places where no teachers were available. Such non-availability of teachers was due to gaps between the recruitment processes of the Regional School Service Commission.
3. The West Bengal School Service Commission Act, 1997 came into force constituting Central and Regional School Service Commissions. The Act mandated that no teacher would be engaged in the State without a proper and regular process of recruitment.

4. However 1500 posts of teachers in Schools in West Bengal were filled up with part time teachers pursuant to a Notification of the School Education Department of the State dated 6th June, 2002.

5. The teachers were given remuneration of Rs.6000/- per month and were appointed on a contractual basis in both the Government and Non-Government Schools with effect from 1st April, 2007.

6. By a subsequent Notification dated 28th January, 2010, it was directed that no part time contractual teacher attached to Government Aided Higher Secondary Schools could not be terminated without permission of the District Inspector of Schools (SE) concerned.

7. The remuneration of part time teachers was enhanced at the rate of 5% every three years, pursuant to a Notification dated 9th June, 2010. On 28th July, 2010, the Government issued a Notification allowing ten days casual leave and ten days medical leave to part time contractual teachers.

8. The writ petitioners/appellants contended that they performed similar duties as permanent teachers and are entitled to the same remuneration and other perks and allowances. They rely upon the principles of equal pay for equal work.

9. The learned Single Judge has relied upon the decisions of the Hon'ble Supreme Court of India in the case of ***State of Madhya Pradesh & Ors. – Vs. –***

Ramesh Chandra Bajpai reported in **(2009) 13 Supreme Court Cases 635** and the case of **State of Punjab – Vs. – Surjit Singh** reported in **(2009) 9 Supreme Court Cases 514** to hold that the mode of recruitment of the employee concerned would be a vital factor for applying the principle of “equal pay for equal work.”

10. Quoting paragraph 15 of the **Bajpai decision (supra)** and paragraph 24 of the **Surjit Singh decision (supra)**, the Single Bench held that the petitioners were not entitled to claim parity with permanent full time teachers recruited by the School Service Commission in the State.

11. However, the decision of the Commissioner of School Education, that was impugned in the writ petitions, was partially set aside to the extent that it disallowed 10 days Casual Leave and 10 days Medical Leave to the writ petitioners/appellants.

12. This Court has carefully considered the entire decision, the pleadings, records and submissions advanced by Mr. Krishna Deo Das, learned counsel for the appellants. This Court is in full agreement with the views expressed by the Single Bench.

13. Indeed, a part time teacher cannot claim parity and consequently “equal pay for equal work”, with a permanent teacher recruited under a regular process of recruitment conducted by this School Service Commission.

14. This Court is also of the view that the reliability and responsibility of a part time teacher are quite different from those of a full time permanent teacher, engaged in a normal and usual course by the School Service Commission in their annual recruitment processes.

15. For the reason stated hereinabove, these appeals fail and are hereby dismissed.

16. In view of dismissal of these appeals, the connected applications are also dismissed.

17. There shall be no order as to costs.

18. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)