

04.04.2025
Court No. 18
Item No.27
(Suvendu)

WPA 7192 of 2025

Subrata Saha & Ors.
-Versus-

The State of West Bengal & Ors.

Mr. Ali Ahasan Alamgir
Ms. Somal Mal
Ms. Rabia Khatoon
Ms. June Modak

.....for the petitioners

Mr. Avishek Prasad
Mr. Sourodeep Singha

....for the DPSC, Malda

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Nilay Baran Mandal

....for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

Though deficit Court Fees has been paid
as it is submitted by learned advocate for the
petitioners but considering the prayer couched
in this writ petition it appears that grievance of
the petitioners is required to be considered
separately in connection with separate writ
petitions, not in this writ petition which has
been filed by twenty-four petitioners. Since
petitioners are claiming “A” category scale of pay
being teachers of different primary schools they
should have filed writ petitions separately due to
different cause of action.

Learned advocate for the petitioners submits that let this writ petition be considered in respect of petitioner no. 1 and prays for leave to prefer separate writ petitions in respect of rest of the petitioners.

In view of such submissions made on behalf of the petitioners, present writ petition is entertained in respect of petitioner no. 1 (hereinafter referred to as “petitioner”) and leave is granted to rest of the petitioners to prefer writ petitions separately on self-same cause of action.

By presenting this writ petition, petitioner has claimed sanction of “A” category scale of pay upon giving credence to B.Ed. qualification which petitioner is possessing. In support of such contention, reliance is placed on the judgment of the Hon’ble Division Bench dated 30th July, 2024 passed on intra-court appeal being **MAT 1038/2024 (Waliur Rahaman & Ors. Vs. The State of West Bengal & Ors.)**.

It is submitted on behalf of the petitioner that when similarly circumstanced other candidates who are working as primary teachers are getting “A” category scale of pay in consideration of their B.Ed. qualification why

the petitioner will be deprived of “A” category scale of pay.

State respondents are represented by Mr. Vaisya, learned Additional Government Pleader who has opposed the prayer of the petitioner since according to the State respondents for getting “A” category scale of pay candidate is required to obtain D.EL.Ed. qualification or six months Bridge Course is to be completed to become eligible for receiving “A” category scale of pay.

Paragraph 13 of the order of the Hon’ble Division Bench dated 30th July, 2024 discloses a situation where similarly circumstanced candidates were sanctioned “A” category scale of pay though they did not complete six months Bridge Course.

It is also apparent from the submissions made on behalf of the parties that modality of six months Bridge Course has not yet been formulated by the appropriate authority.

In view of aforesaid situation, petitioner is granted leave to make a representation to the Commissioner of School Education, West Bengal enclosing necessary documents by fortnight from date claiming “A” category scale of pay. In the event representation is made within the

prescribed time before the Commissioner of School Education, same shall be decided in accordance with law by passing a reasoned order after granting opportunity of hearing to the petitioner or his representative within a period of twelve weeks thereafter. Decision to be taken by the Commissioner of School Education shall be communicated to the petitioner by ten days thereafter.

Writ petition stands disposed of.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)