

06.01.2025
Item No.15
gd/ssd

WPA/6980/2022
ALL POST GRADUATE TEACHERS' WELFARE
ASSOCIATION & ANR.
VS
STATE OF WEST BENGAL & ORS.

Mr. Ujjal Ray
..for the Petitioners.

Mr. Biswabrata Basu Mallick, Id. AGP,
Mr. Sayan Ganguly
..for the State.

All Post Graduate Teachers' Welfare Association and its Secretary have filed this writ petition praying for setting aside the Memo dated September 16, 2019.

It has been pleaded in the writ petition that the members of the petitioner Association were appointed in recognized Aided/Sponsored Schools as "normal section" teachers.

The petitioners claim that the members of the petitioner association were all recruited prior to 1st SLST-2016.

The School Education Department, Government of West Bengal issued a Memo being no.214-SSE/19 dated September 16, 2019 thereby revising the Recruitment Rules of Teachers for (i) Upper Primary Level (for classes V to VIII), (ii)

Secondary Level (for classes IX to X) and (iii) Higher Secondary Level (for classes XI to XII).

Mr. Ray, learned Advocate appearing for the petitioners submits that by virtue of the said Memo dated September 16, 2019 the authorities have sought to change the Service Condition of the members of the petitioner Association.

Mr. Ray further refers to an order dated July 26, 2022 in WPA 19133 of 2019 in the case of *Ranaghat OBR Brihattara Graduate Teachers' Association and another vs. The State of West Bengal and others* in support of his contention that the teachers who have been recruited prior to 1st SLST-2016 as teachers of normal section shall be permitted by the respective schools to function under such category.

Mr. Basu Mallick, learned Advocate appears for the State.

He submits that the service conditions of the members of the petitioner Association who were recruited prior to 1st SLST-2016 will not be changed.

He further submits that a Memo dated 13th September, 2022 has been issued by the School Education Department, Secondary Branch in clarification of the Memo dated 16th September, 2019 wherein it has been stated that the status of the teachers already appointed in normal section of

recognized Aided/Sponsored Schools will be treated as teachers in the normal section.

Heard the learned Advocates for the parties and perused the materials placed.

A more or less identical issue came up for consideration before the Coordinate Bench in WPA 19133 of 2019 in the case of *Ranaghat OBR Brihattara Graduate Teachers' Association (supra)* wherein the Coordinate Bench in the order dated 26th July, 2022 held that for all purposes the teachers who were recruited prior to 1st SLST-2016 shall be treated as teachers of the normal section and they shall be permitted by the respective school authorities to function accordingly. It was further clarified in the said order that the Memo dated 16th September, 2019 issued by the Principal Secretary is for ascertaining the number of vacancies in upper primary section and for maintaining data of teaching staff working in different categories throughout the State of West Bengal.

Subsequent to the passing of the said order, the Joint Secretary to the Government of West Bengal, School Education Department, Secondary Branch issued the Memo dated 13th September, 2022. The said memo states the difficulty pertaining to identification of the status of teachers appointed prior to Recruitment Rules, 2016 whether upper

primary or secondary has been reported by the School Education Department. The matter was examined and was clarified that the status of teachers, already appointed in normal section of recognized aided/secondary schools will remain so and they shall be treated as teachers in the normal section.

In view of the aforesaid clarification to the Memo dated 16th September, 2019 by the Memo dated September 13, 2022, the grievance raised by the writ petitioner association stands redressed.

That apart the Additional Secretary to the Government of West Bengal in the report filed before this Court by way of an affidavit affirmed on September 14, 2022 has specifically stated that the Memo dated 16th September, 2019 was issued for determination of required number of teachers in upper primary level and the same will not change the service condition of the petitioner Association. Such stand of the State is placed on record.

Accordingly, the writ petition stands disposed of with the above observations.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)