

08.04.2025
Court No. 18
Item No.05
(Suvendu)

WPA 7706 of 2025

Saddam Hossain & Ors.
-Versus-
The State of West Bengal & Ors.

Mr. Sunit Kumar Roy
Mr. Santanu Maji
Ms. Debrani Mondal
Ms. Rima Banerjee
.....for the petitioners

Mr. Avishek Prasad
....for the DPSC, Malda

Ms. Jhuma Chakraborty
Ms. Arpita Mondal
....for the State

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

At the threshold question is raised how
writ petition at the instance of more than one
petitioner is maintainable since petitioners have
claimed “A” category scale of pay being teachers
of different primary schools and they have been
appointed on different dates. It is not a case of
common cause of action for which petitioners
can jointly file a single writ petition claiming
benefits of “A” category scale of pay.

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 on self-same cause of action.

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 learned advocate 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.)