

02.01.2026
Sl. No.8(DL)
Ct. No.14
srm

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 5881 of 2025

Biman Kanti Dey

Versus

The State of West Bengal & Ors.

Mr. Anindya Lahiri, Sr. Adv.
Ms. Pranati Das
Mr. Subhoraj Paul
Mr. Anish Chakraborty

...for the Petitioner.

Mr. Bhaskar Prasad Vaisya, Ld. AGP
Mr. Ranjan Saha

...for the State.

Mr. Ranjan Saha

...for the DPSC, Paschim Medinipur.

1. By the present writ petition, the petitioner seeks for grant of 'A' category scale of pay in favour of the petitioner with effect from 16th March, 2019 being the last date of examination of Diploma in Elementary Education (*in short, 'D.El.Ed'*) course.
2. The petitioner contends that he has been appointed as a primary school teacher as an untrained teacher. The petitioner has successfully completed the D.El.Ed. online course for the session 2017-2019. The result of which was declared on 22nd May, 2019. Upon completion of such course i.e. D.El.Ed. course the petitioner has not been granted 'A' category scale of pay. The petitioner has already passed higher

secondary examination with 50% marks. On 22nd January, 2025 the petitioner made a representation before the Chairman, District Primary School Council, Pashim Medinipur seeking for grant of 'A' category scale of pay from 17th March, 2019, the date following the last date of examination of D.El.Ed. course. However, no steps have been taken. Hence, this writ petition.

3. Mr. Anindya Lahiri, learned Senior Advocate appearing on behalf of the petitioner submits that the petitioner ought to be granted 'A' category scale of pay on the date of declaration of the result i.e. 22nd May, 2019. To buttress his contention, he relies on the decision of the Hon'ble Division Bench passed in *M.A.T. 1522 of 2024 (District Primary School Council, Purba Medinipur & anr. -versus- Chandan Kumar Majee & others)* along with other appeals. He submits that the petitioner is similarly circumstanced as of the petitioners before the Hon'ble Division Bench in *Chandan Kumar Majee (supra)* as such he seeks that similar benefit be extended to the petitioner in the light of the decision of the Hon'ble Division Bench.
4. Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader as well as Mr. Ranjan Saha, learned Advocate for the District Primary School Council, Paschim Medinipur submits that since the representation has been made by the petitioner before the Chairman, District Primary School Council,

Paschim Medinipur, the matter be relegated to the authority concerned for considering the representation of the petitioner.

5. It is not in dispute that the result of the D.El.Ed. online examination has been declared on 22nd May, 2019.
6. At this stage, it would be profitable to reproduce the observation of Hon'ble Division Bench in respect of the similarly circumstanced petitioners in *Chandan Kumar Majee (supra)* as hereunder:

"In view thereof, the orders passed by the learned single Judge in the respective writ petitions are modified to the effect that the writ petitioner/respondent no.1 in the respective appeals shall be granted 'A' category pay-scale with effect from the date of result declaration of D. EL. Ed (online) examination held in March 2019, i.e., 22nd May, 2019 and that the arrears shall be paid to the writ petitioners by 15th December, 2025."

7. In line with the above observation of the Hon'ble Division Bench, since the petitioner is similarly circumstanced as of the petitioners before the Hon'ble Division Bench, the petitioner shall be granted 'A' category pay-scale with effect from the date of result declaration of D.El.Ed. (online) examination held in the month of March, 2019 i.e. 22nd May, 2019 and that the arrears, if any, shall be paid to the petitioner by 10th February, 2026.
8. With the above direction, the writ petition being **WPA 5881 of 2025** stands disposed of.
9. Learned advocate-on-record for the petitioner is directed to communicate this order to the authority concerned for necessary compliance.

10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
11. Interim order, if any, stands vacated.
12. All connected applications, if any, stand disposed of.
13. There shall be no order as to costs.
14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
15. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)