

02.01.2026
Sl. No.13
Ct. No.14
gd

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

WPA/7861/2025
BIPLAB BISWAS
VS
THE STATE OF WEST BENGAL AND ORS.

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

...for the Petitioner.

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

...for the State.

1. By the present writ petition, the petitioner seeks for grant of 'A' category scale of pay in his favour 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 completed the D.El.Ed. online course for the session 2017-2019. The result of such examination was declared on 22nd May, 2019. Upon completion of such course, that is, D.El.Ed. course the petitioner has been granted 'A' category scale of pay from the date of issuance of mark sheet and certificate i.e. 26th August, 2022 and not from the date following the last date of declaration of such examination. On 14th February,

2025 the petitioner made a representation before the Chairman, District Primary School Council, Burdwan 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 have granted 'A' category scale of pay on the date of declaration of the result, that is, 22nd May, 2019, which has been decided by the Hon'ble Division Bench 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)*. He seeks that similar benefit be extended to the petitioner in the light of the decision of the Hon'ble Division Bench.
4. Mr. Niloy Baran Mondal, learned Advocate for the State submits that since the representation has been made by the petitioner before the Chairman, District Primary School Council, Burdwan, the matter be relegated to the authority concerned for considering the representation of the petitioner.
5. Admittedly, the petitioner has been granted 'A' category scale of pay from 26th August, 2022 i.e. the date on which the mark sheet and certificate was issued in

favour of the petitioner. It is not in dispute that the result of the D.El.Ed. online examination has been declared on 22nd May, 2019.

6. The Hon'ble Division Bench in respect of the similarly circumstanced petitioners in MAT 1522 of 2024 observed as follows:

"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. The petitioner is similarly circumstanced as of the petitioners in MAT 1522 of 2024. In view of the aforesaid order passed by 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, that is, 22nd May, 2019 and that the arrear salary, if any, shall be paid to the petitioner by 10th February, 2026.
8. With the above direction, the writ petition being **WPA 7861 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.)