

13.02.2026
Sl. No.25(DL)
Ct. No.14
srm

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

**W.P.A. 12354 of 2025
Binay Bhowmik
Versus
State of West Bengal & Ors.**

Mr. Firdous Samim,
Ms. Gopa Biswas,
Mr. Hazanuz Zaman Molla,
Mr. Hasibur Rahaman Jamadar
...for the Petitioner.

Mr. Joydip Banerjee,
Mr. Rajaram Banerjee
...for the State.

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

1. By the present writ petition, the petitioner seeks direction upon the respondent authorities particularly respondent No.3, the Commissioner of School Education, Government of West Bengal to consider the representation of the petitioner dated 10th May, 2025 for grant of 'A' category scale of pay.
2. The petitioner contends that he is an Assistant Teacher appointed on 25th September, 2021 pursuant to the notification issued by the DPSC, Malda in the year 2009-2010. The petitioner has not yet completed six months bridge course. The petitioner possesses B.Ed qualification. On 10th May, 2025 the petitioner made a representation for grant of 'A' category scale of pay. However, the same is still pending consideration. Hence, this writ petition.
3. Mr. Firdous Samim, learned Advocate appearing for the petitioner submits that in similar circumstances this

Hon'ble Court has directed for consideration of the representation of the petitioner in accordance with law. He seeks that similar direction be issued by relegating the matter to the appropriate authority for due consideration. In support of his contention, he relies on the following decision:

- (i) *Waliur Rahaman & Ors. versus The State of West Bengal & Ors. (In Re: MAT 1038 of 2024);*
- (ii) *Khokan Das versus The State of West Bengal & Ors. (In Re: WPA 13023 of 2025);*
- (iii) *Mahammad Enamul Haque versus The State of West Bengal & Ors. (In Re: WPA 29672 of 2024) ;*
- (iv) *Rezaul Saikh & Ors. versus The State of West Bengal & Ors. (In Re: WPA 22526 of 2024).*
- (v) *Tuhin Hossain versus The State of West Bengal & Ors. (In Re: WPA 19110 of 2025)*

4. Mr. Avishek Prasad, learned Advocate appearing for the District Primary School Council, Malda submits that Commissioner of School Education, Government of West Bengal is the appropriate authority to consider the prayer of the petitioner for grant of 'A' category scale of pay. Further in similar circumstances, this Court has passed order for consideration of the representation. He also indicates that though this Court on 24th June, 2025 directed for filing affidavits, however, the District Primary School Council, Malda will not file any affidavit-in-opposition.
5. Despite service, none appears on behalf of the State.
6. Mr. Rajaram Banerjee, learned Advocate, who usually appears on behalf of the State-respondents is requested

to appear in this matter. The appearance of Mr. Rajaram Banerjee be regularised by the concerned authority.

7. Let a copy of the writ petition along with its annexure be served upon Mr. Banerjee, learned Advocate for the State respondents.
8. Mr. Banerjee, learned Advocate appearing for the State submits that the matter may be relegated to the appropriate authority for due consideration. He also indicates that the State will not file any affidavit-in-opposition in terms of the earlier order of this Court.
9. In the earlier writ petitions in *Khokan Das (supra)*, *Mahammad Enamul Haque (supra)*, *Rezaul Saikh (supra)* and *Tuhin Hossain (supra)*, the appropriate authority was directed to consider the representations of the petitioners therein claiming 'A' category scale of pay.
10. In line with the aforesaid decisions, respondent No.3, the Commissioner of School Education, Government of West Bengal is directed to consider the representation of the petitioner dated 10th May, 2025 and dispose of the same by passing a reasoned order in accordance with law upon notice to the petitioner within a period of eight weeks from the date of communication of this order.
11. Learned advocate for the petitioner is directed to communicate this order to the respondent No.3, the Commissioner of School Education, Government of West Bengal, for necessary compliance.
12. With the above direction, the writ petition being **WPA 12354 of 2025** stands disposed of.

13. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
18. 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.)