

17.02.2026
Sl. No.19
Ct. No.14
ss

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

W.P.A. No. 14665 of 2025

**Biswanath Das
Versus
The State of West Bengal & Ors.**

Mr. Prosenjit Mukherjee
Ms. Babita Pramanik

...for the Petitioners

Ms. Sumita Sen
Mr. Kaushik Chowdhury

... for the DPSC, Birbhum

Mr. Vimal Kumar Shahi, Ld. AGP
Mr. SM Samim Ullah

... for the State

1. Exception to the report of the respondent nos.4 and 5, filed by the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent nos.3, 4, 5 and 6 to extend 'A' category scale of pay to the petitioner from the date of completion of the session of teachers training with effect from 19th June, 2006 along with interest.
3. The petitioner contends that he joined as an Assistant Primary Teacher in the year 1991 at Dishergarh A.C. Primary School, Dishergarh under Kultu Circle in the District of Burdwan vide Memo No.4145/1(5) dated 5th December, 1991 as an untrained teacher. Subsequent thereto, the petitioner was transferred to Kuitha Primary School, P.O. Sahapur, District Birbhum. The petitioner completed the Primary Teachers Training course for the session 2005-2006,

the result of which was declared on 4th July, 2019. The petitioner claims that the 'A' category scale of pay ought to have been granted to the petitioner from the date of completion of course, i.e. June, 2006. Hence, this writ petition.

4. Mr. Prosenjit Mukherjee, learned Advocate appearing for the petitioner submits that as per the notification dated 26th July, 2025 issued by the District Primary School Council, Birbhum, the petitioner registered himself for completing the Primary Teachers Training course for the session 2005-2006. By a subsequent notification dated 4th March, 2013 it was notified that the teachers who have attained 1 year/2 years Diploma in Elementary Education from State recognized institutions and appointed as teacher on or before 31.12.2005 shall be treated as '*trained teacher*'. The Hon'ble Division Bench in *Sunil Tudu -versus- State of West Bengal & ors. (MAT 107 of 2022)* along with other appeals in similarly circumstances have held that the petitioners are entitled to 'A' category scale of pay. The date from which the entitlement of the petitioner's 'A' category scale of pay also fell for consideration before a Co-ordinate Bench of this Hon'ble Court in *Swapan Kumar Das -versus- The State of West Bengal & ors. (WPA 10630 of 2024)* along with other writ petitions wherein effect has been given from June, 2006. He also indicates that consistently in respect of other candidates, this Hon'ble Court has passed orders subsequent thereto entitling the

petitioners to 'A' category scale of pay with effect from June, 2006. There is no appeal against the orders passed by the learned Single Judge in respect of the similarly circumstanced petitioners as aforesaid. In light of the aforesaid submission, he prays that the petitioner who is also similarly circumstanced be extended the benefit of 'A' category scale of pay with effect from June, 2006.

5. Mr. Koushik Chowdhury, learned Advocate appearing on behalf of the District Primary School Council, Birbhum referring to the notification dated 4th March, 2013 submits that the word '*attained*' means one who has successfully completed the course. Undisputedly, the petitioner did not complete such course of Diploma in Elementary Education from the State recognised institution prior to 31st December, 2005 and as such he is not entitled to 'A' category scale of pay with effect from June, 2006. The petitioner, who has completed his D.El.Ed. for the session 2017-2019, may be granted 'A' category scale of pay with effect from the date of publication of the result.
6. Mr. SM Samim Ullah, learned Advocate appearing on behalf of the State submits that since the petitioner on 31st December, 2005 did not complete Diploma in Elementary Education, as such he is not entitled to such relief as prayed for.
7. Having considered the submissions of the learned Advocates for the respective parties, the issue which falls for consideration is whether the petitioner is

- entitled to 'A' category scale of pay from the date of completion of the training, i.e. June, 2006.
8. So far as the entitlement of 'A' category scale of pay is concerned, in case of similarly placed teachers the Hon'ble Division Bench in *Sunil Tudu (supra)* granted 'A' category scale of pay to the appellant therein.
 9. The second aspect which falls for consideration is from which date the petitioner will be entitled to 'A' category scale of pay.
 10. A Co-ordinate Bench in similar situation passed orders in (i) *Khelaram Dhara -versus- The State of West Bengal & ors. (WPA 4381 of 2024)*, (ii) *Menoka Murmu – versus- The State of West Bengal & ors. (WPA 4378 of 2024)*, (iii) *Swapan Kumar Das (supra)* granting 'A' category scale of pay with effect from June, 2006.
 11. Accordingly, in line with the aforesaid decisions, the petitioner is entitled to 'A' category scale of pay with effect from June, 2006.
 12. The concerned authorities are directed to take necessary steps in view of the observations made hereinabove within a period of two months from the date of communication of this order..
 13. With the above direction, the writ petition being **WPA 14665 of 2025** stands disposed of.
 14. Learned advocate for the petitioner is directed to communicate this order to the concerned respondents for necessary compliance.
 15. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
20. 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.)