

30.01.2026
Sl. No.34
Ct. No.14
gd

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

WPA/18981/2025
UTPAL DUTTA AND ORS.
VS
STATE OF WEST BENGAL AND ORS.

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal

...for the Petitioners.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

...for WBBPE.

Mr. Avishek Prasad

...for DPSC, Malda.

Ms. Asha G. Gutguita

...for NCTE.

Mr. Saibal Acharyya
Mr. Arkadipta Sengupta

...for the State.

1. This matter is appearing in list under the heading “*To Be Mentioned*”.
2. Affidavit-of-service filed on behalf of the petitioners is taken on record.
3. By the present writ petition, the petitioners seek direction upon the respondent authorities for grant of ‘A’ category scale of pay to the petitioners from the date of their joining as trained candidates.
4. The petitioners contend that they are Assistant Teachers in different schools under District Primary School Council, Malda. The petitioners have been granted ‘A’ category scale of pay from 1st July, 2019. The petitioners

made separate representations before respondent no.2, Commissioner of School Education, West Bengal which are collectively Annexure P-6 seeking 'A' category scale of pay from the date of their joining. However, the said representations are still pending for consideration. Hence, this writ petition.

5. Mr. Shuvro Prokash Lahiri, learned Advocate for the petitioners submits that the representations of the petitioners be relegated to the respondent no.2, Commissioner of School Education for due consideration.
6. Mr. Ratul Biswas, learned Advocate appearing for the West Bengal Board of Primary Education submits that the petitioners in order to vouch their prayer for grant of 'A' category scale of pay have to file separate writ petition. The relief of the writ petitioners who are posted in different schools cannot be clubbed together in a single writ petition. As such, the writ petition is not at all maintainable and should be dismissed in *limine*. To buttress his contention, he relies on the following decisions of the Coordinate Bench:

- (i) ***Mrinal Kanti Das & Ors. versus The State of West Bengal & Ors.*** reported in **2010 SCC Online Cal 788**
- (ii) ***Subrata Saha & Ors. versus The State of West Bengal & Ors. (In Re: WPA 7192 of 2025)***

7. Mr. Avishek Prasad, learned advocate appearing for the District Primary School Council, Malda also submits in the similar fashion.

8. In reply, Mr. Lahiri, learned Advocate for the petitioners submits that the writ petition is very much maintainable by the petitioners jointly since all of them have been granted 'A' category scale of pay on the same date and they are employed under the same council. In support of his contention, he relies on the following decisions:

(i) ***Sukhen Mondal & Ors. versus The State of West Bengal & Ors. (In Re: MAT 2188 of 2024 with CAN 1 of 2024)***

(ii) ***Waliur Rahaman & Ors. versus The State of West Bengal & Ors. (In Re: MAT 1038 of 2024 with CAN 1 of 2024, CAN 2 of 2024, CAN 3 of 2024)***

(iii) ***Khokan Das versus The State of West Bengal & Ors. (In Re: WPA 13023 of 2025).***

9. Having heard the learned advocates for the respective parties, let me at first examine whether the writ petition is maintainable at the instance of the petitioners or not.

10. In order to examine the aforesaid question, it would be profitable to reproduce the relevant observation in *Sukhen Mondal (supra)* of the Division Bench led by Hon'ble Chief Justice as follows:

"2. Admittedly, the cause of action for filing the writ petition in respect of all the seven petitioners are identical and all the seven petitioners have paid individual court fee. In such circumstances, the petitioners should be 2 to 7 permitted to join together and file a single writ petition, subject to payment of

individual court fee, which has already been done by the petitioners.

3. We find support to this conclusion from the decision of the Hon'ble Division Bench of this Court in the case of 2006 SCC OnLine Cal. 25 : Parul Debnath & Ors. vs. Union of India & Ors.; decision of the Full Bench of the High Court of Allahabad in the case of Umesh Chand Vinod Kumar & Ors. vs. Krishi Utpadan Mandi Samiti, Bharthana & Anr. : 1983 SCC OnLine All. 638 and the order passed by the learned Single Bench of this Court in the case of Julekha Nasrin & Ors. vs. State of West Bengal & Ors .in W.P. 26842(W) of 2016."

11. In *Waliur Rahaman (supra)*, it is found that the petitioners who were appellants before the Hon'ble Division Bench also claimed 'A' category scale of pay and the said appeal was entertained by the said Bench at the instance of several appellants.
12. In the backdrop of the aforesaid observation, let me revert back to the fact of this case. It is found that in all 58 petitioners have filed the present writ petition seeking for grant of 'A' category scale of pay from the date of their joining. All the petitioners have been granted 'A' category scale of pay from 1st July, 2019 and they are working under the same council. The petitioners have made separate representations before the authority concerned for redressal of their grievance (Annexure P-6). Thus, this Court is of the view that the present writ petition is maintainable.
13. The decision in *Sukhen Mondal (Supra)* was not placed before the Coordinate Bench in *Subrata Saha (Supra)*.
14. In *Mrinal Kanti Das (Supra)*, three hundred ten individuals claiming to be unemployed youths having registered their names in the concerned employment exchange filed the writ petition. The fact is

distinguishable from the case at hand and, therefore, is not applicable.

15. Accordingly, respondent no.2, Commissioner of School Education, West Bengal is directed to dispose of the representations of the petitioners (Annexure P-6) separately by distinct reasoned order in accordance with law upon notice to the petitioners within a period of 12 weeks from the date of communication of this order.
16. Learned advocate for the petitioner is directed to communicate this order to respondent no.2, Commissioner of School Education, West Bengal, for necessary compliance.
17. With the above direction, the writ petition being **WPA 18981 of 2025** stands disposed of.
18. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
19. Interim order, if any, stands vacated.
20. All connected applications, if any, stand disposed of.
21. There shall be no order as to costs.
22. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
23. 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.)