16.11.2026
Sl. No.87(DL)
Ct. No.14
srm

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. 27319 of 2026

Palash Barman & Ors.
Versus
The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Pritha Biswas,
Ms. Upasana Sarkar
...for the Petitioners.
Mr. Biswabrata Basu Mallick
...for the DPSC, Uttar Dinajpur.
Ms. Marya Datta,
Mr. Sourav Sengupta
...for the State,

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. *Ad valorem* Court fees have been paid on behalf of the petitioners.
3. By the present writ petition, the petitioners seek direction upon the respondent authorities particularly respondent No.2, the Commissioner of School Education, Government of West Bengal to consider the prayer of the petitioners for grant of 'A' category scale of pay.
4. The petitioners contend that they are all Assistant Teachers in different primary schools under District Primary School Council, Uttar Dinajpur. The petitioners initially participated in the recruitment process of 2016 with B.Ed. qualification and after being successful in the selection process of 2016 were given appointment in the post of Assistant Teacher as

untrained candidates. The petitioners after joining as Assistant Teachers in different primary schools, participated in the recruitment process for the post of Assistant Teachers in Government Aided schools in First State Level Selection Test *(in short, 'SLST'),* 2016. The petitioners became successful in the 1st SLST, 2016. Thereafter, the petitioners resigned from the post of Assistant Teachers in primary schools and joined as Assistant Teachers in Government aided schools in secondary/higher secondary level. Subsequent thereto, vide judgment dated 3rd April, 2025 passed in *Civil Appeal a/o SLP(C) – 9586 of 2024 [State of West Bengal vs. Baisakhi Bhattacharyya (Chatterjee) & ors.]*, the Hon'ble Supreme Court cancelled the entire panel of recruitment process of 1st SLST, 2016 for Classes IX-X, XI-XII, Group-C and Group-D. However, the Hon'ble Supreme Court granted liberty to the untainted candidates to continue in their previous Department. Pursuant thereto, the petitioners have again joined the primary schools under District Primary School Council, Uttar Dinajpur. The petitioners made separate representations before respondent no.2, the Commissioner of School Education Department, Government of West Bengal for grant of A-Category Scale of Pay which are still pending consideration. Hence, this writ petition.

5. Mr. Sudip Ghosh Chowdhury, learned advocate appearing for the petitioner submits that in similar situation a coordinate Bench of this Court have passed

orders in *WPA 469 of 2026 [Kastaba Nandy & ors. vs. The State of West Bengal & ors.]* vide order dated 25th March, 2026 which have been duly complied with by respondent No.2, the Commissioner of School Education Department, Government of West Bengal vide Office memorandum dated 9th July, 2026. He seeks that similar benefits may also be extended to the petitioners directing respondent No.2, the Commissioner of School Education Department, Government of West Bengal to consider the representations of the petitioners.

6. Despite service, none appears on behalf of the State.

7. Ms. Mary Datta, learned Advocate, who usually appears for the State, is requested to appear in this matter with a junior of his choice. Let their appointment be regularised by the competent authority.

8. The learned Advocate for the petitioner is directed to handover a copy of the writ petition along with its annexures to Ms. Datta, learned Advocate for the State.

9. Mr. Biswabrata Basu Mallick, learned advocate appearing for the respondent District Primary School Council, Uttar Dinajpur as well as Ms. Mary Datta, learned advocate representing the State concedes to such submission.

10. In view of the above conspectus, respondent No.2, the Commissioner of School Education Department, Government of West Bengal is directed to consider the

representations of the petitioners (annexure P-3) separately and dispose of the same in accordance with law upon giving notice to the petitioners in terms of the prevalent rules by passing a reasoned order within a period of eight weeks from the date of communication of this order.

11. It is made clear that this Court has not gone into the merits of the writ petition. In the event, the petitioners are found entitled to, all the consequential orders be passed.

12. Learned advocate for the petitioners is directed to communicate this order to the respondent No.2, the Commissioner of School Education Department, Government of West Bengal, for necessary compliance.

13. With the above direction, the writ petition being **WPA 27319 of 2026** stands disposed of.

14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

15. Interim order, if any, stands vacated.

16. All connected applications, if any, stand disposed of.

17. There shall be no order as to costs.

18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

19. 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.)