

19.03.2026

Ct. No. 5
Sl. No.13
akd

In The High Court at Calcutta
Circuit Bench at Jalpaiguri

W. P. A. 388 of 2026

[Dipak Paul -Vs- The State of West Bengal & Ors.]

Mr. Sandip Guha Roy
Mr. Ananda Paul

... .. for the petitioner

Mr. Amales Ray .. Sr. Advocate
Ms. Mousumi Bhowal

... .. for respondent no. 6
[District Primary School Council, Cooch Behar]

Mr. Bikramaditya Ghosh

... for respondent nos.4 & 5
[West Bengal Board of Primary Education]

Mr. Momenur Rahman
Mr. Kumar Shantanu

... .. for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner has challenged the inaction of the respondent-District Primary School Council, Cooch Behar denying 'A' category pay scale to the petitioner from the last date of examination i.e. 16.03.2019.
3. The petitioner has drawn the attention of this Court to the order dated 08.04.2024 passed by the coordinate Bench of this Court in WPA 28842 of 2023 (*Banthu Charan Digar & Ors. Vs. The State of West Bengal & Ors.*) wherein similar reliefs were sought by the petitioners. The coordinate Bench of this Court vide order dated 08.04.2024 had allowed the writ petition of the petitioners.

4. The petitioner has further drawn the attention of this court to another order dated 19.07.2024 passed by a coordinate Bench of this court in WPA 16023 of 2024 (*Dhiraj Kumar Singh & Ors. Vs. The State of West Bengal & Ors.*) to buttress his argument that similar reliefs had also been granted to the petitioners in the above-mentioned matter.

5. Learned Advocate for the respondent nos.4 and 5 (West Bengal Board of Primary Education) acknowledges the fact that this Court in various other writ petitions had passed similar directions, though he further submits that the said directions have been challenged before the Division Bench of this court but no stay has been granted in any of the petitions.

6. Keeping in mind the directions passed by the coordinate Benches of this court, this Court is inclined to entertain the present writ petition.

7. It is now well settled that a person is deemed to have been qualified from the last date of examination in the event he succeeds the same.

8. Accordingly, this Court directs that the petitioner shall be granted 'A' category scale of pay after the last date of examination i.e. 17.03.2019. Let the arrears be paid within a period of two months from date.

9. With the aforesaid directions, the present writ petition is disposed of.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)