15.10.2026
Item no. 2
Ct no. 444
RD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28085 of 2024

Rita Ghosh & Ors.
VS
The State of West Bengal & Ors.

Mr. Tushar Kanti Mukherjee
... for petitioner

Mr. Debangsu Biswas
Mr. Atreya Chakraborty,
... for State

Ms. Asha G. Gutgutia (v/c)
... for the NCTE

Mr. Avinash Kankani,
Ms. Bidisha Chakraborty,

....for the Respondent no. 5 KPSC

1. Petitioners are the primary school teachers in the District of North 24 Parganas. They possess B.Ed qualification. They have sought category "A" scale of pay in the instant writ petition.

2. Reliance has been placed on the judgment passed by the Hon'ble Division Bench on 30th July, 2024 in MAT no. 1038 of 2024 with CAN 1 of 2024, CAN 2 of 2024 and CAN 3 of 2024 in the matter of ***Waliur Rehman & others v. State of West Bengal and other***.

3. Petitioners stress that they are similarly situated as that of be appellants in the aforesaid appeal and order passed by the Hon'ble Division Bench ought to be made applicable in their case.

4. The judgment and order dated 30th July, 2024 passed by the Hon'ble Division Bench observed that there are several candidates who were getting "A" category scale of pay despite not having undergone the six (6) months bridge course.

5. The Hon'ble Divison Bench directed the authority to take an independent decision in granting the said scale of pay from the date of on which each of the writ petitioners are entitled to.

6. Learned Counsel, Mr. Chakraborty, appearing on behalf of the State relied on the judgment passed by the Hon'ble Supreme Court in ***Devesh Sharma & Ors v. Union of India*** reported in ***2023 SCC Online SC 985*** and vehemently opposed the prayer of the writ petitioners.

7. It is revealed that the judgment passed by this Hon'ble Court in MAT 1038 of 2024 duly

considered the judgment passed in ***Devesh Sharma*** (supra).

8. Considering the rival contentions of the parties, I am of opinion that in line with the judgment passed by the Hon'ble Division Bench, the Commissioner of School Education is directed to take a decision with regard to the prayer of the petitioners for granting "A" category scale of pay. If the petitioners are found entitled to receive the "A" category scale of pay, then necessary consequential steps shall be taken in the matter immediately within a period of 12 weeks from the date of communication of the order.

9. The authorities are directed act on the basis of the server copy available with official website of the High Court, Calcutta.

10.The writ petition stands disposed of.

11.There shall be no order as to costs.

12.Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Atarup Banerjee, J.)