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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

WPO/456/2025
JANARDAN DEBNATH AND ANR.
VS
THE STATE OF WEST BENGAL AND ORS.

BEFORE
HON'BLE JUSTICE GAURANG KANTH
Date: SEPTEMBER 18, 2025.

Appearance :
Mr. Raghunath Chakraborty, Adv.
Ms. Amrita De, Adv.
...for petitioner

The Court: - The petitioners have preferred the present writ petition seeking a direction upon the respondent authority to grant, enhance, grade pay/scale of pay/pay band and arrears with effect from 01.08.2019 to the Assistant Head Teachers of primary schools run by the Kolkata Municipal Corporation. The petitioner further prays for grant of benefit of the next higher pay scale upon completion of five years of service from the date of publication of the result of the teachers training Course, which became due since 05.09.2022 along with accrued arrears. The petitioner also seeks cancellation or recession of circular No. CMF & A's 14 of 2022-2023 dated 03.11.2022.

It is the case of the petitioners that concerned individuals were initially appointed as teachers and were subsequently promoted to the post of Assistant Head Teachers under KMC run primary school drawing grade pay of Rs.3600/- with a pay band of Rs. 7100-37,600. It is further submitted that by a notification dated

26.07.2019, the Government of West Bengal enhanced the pay grade of teachers to Rs.3600/- with the corresponding pay band. Subsequently by resolution dated 21.01.2022 Kolkata Municipal Corporation adopted the enhancement by grade of Rs. 3600/- for teachers of KMC-run primary schools, however, the said resolution has resulted in anomaly where both teachers and assistant teachers are placed in same pay scale despite the promotional nature of the post of Assistant Head Teachers.

Learned Counsel for the petitioner further submits that by an office order dated 27.05.2006 the respondent municipality had granted the benefit of next higher pay scale to KMC primary School Teachers who has completed five years of service under Madhyamik level Teacher Training Course. The petitioner became eligible for the said benefit on 05.09.2022. However, their application was not accepted. Subsequently vide office order dated 03.11.2022 the respondent rescinded the earlier order dated 25.07.2006. It is the contention that they had already become eligible for the benefit of the office order dated 05.09.2022 prior to its withdrawal on 03.11.2022.

Accordingly, the petitioner submits that withdrawal of the said office order cannot operate retrospectively as the benefit which has already accrued to them and they are entitled for it. Hence, the petitioners are entitled to the benefit of the office order dated 27.06.2006 along with consequential relief.

Learned Counsel for the respondent Kolkata Municipal Corporation seeks and is granted four weeks time after Puja Vacation

to file affidavit in opposition, affidavit in reply, if any, within two weeks thereafter. Similarly, learned Counsel for State seeks and is granted four weeks after Puja Vacation, affidavit in reply within two weeks thereafter.

List this matter on 4th December, 2025.

(GAURANG KANTH, J.)

GH.