

WPA 22783 of 2023

Avijit Mallick & Ors.

Vs.

The State of West Bengal & Ors.

**Mr. Sudip Ghosh Chowdhury,
Ms. Pritha Biswas,
Ms. Upasana Sarkar.**

... for the petitioners

**Mr. Loknath Chatterjee,
Ms. Mary Datta.**

... for the State

1. Affidavit-of-service filed by the petitioners, in Court today, is taken on record.
2. The vocational teachers are the petitioners here, who, by filing the instant writ petition have sought for relief that their pay structure should be appropriately fixed by enhancing their salary/remuneration to an appropriate level, preferably at par with the teachers of equivalence qualification.
3. Mr. Sudip Ghosh Chowdhury, learned advocate is appearing for the petitioners whereas Mr. Loknath Chatterjee, learned advocate is representing for the State through virtual mode.
4. It is submitted that the notification dated February, 2021 issued by the Director of Vocational Education and Training, West Bengal substantially governs the field with regard to the consolidated remuneration payable to the vocational teachers.
5. It is further submitted that in the latest budget of the State, that grant-in-aid for the vocational teachers on

account of salary have been enhanced, taking into consideration the enhancement in price index etc.

6. Mr. Sudip Ghosh Chowdhury, learned advocate for the petitioners has submitted that the petitioners have been engaged for a prolonged period of time and serving continuously without any break as vocational teachers.
7. He submits that the nature of duty of the petitioners, for all practical purposes, cannot be treated as part time.
8. Rather, the petitioners are stated to be discharging duty similarly as a full time teacher of the school, without being compensated with appropriate remuneration.
9. Mr. Sudip Ghosh Chowdhury, learned advocate for the petitioner has also insisted that equivalent qualification of the petitioners should fetch them equal remuneration, alike the regular teachers. In this regard, he has relied on a notification dated July 25, 2007, to show that the petitioner's qualification is considered a equivalent with regular education/degree/qualification.
10. For all these reasons, the petitioners have sought for enhancement of their pay structure as well as equality of service conditions similar to the other teachers and personnel existing in Government pay scale.
11. Having heard both the learned advocates for the respective parties and perusing the materials on record, it appears that the matter relates to the policy decision of the Government and also entails necessary

and appropriate fact finding enquiry to be done on the basis of relevant documents and records.

12. Let therefore, the prayer of the petitioners as above be relegated to the concerned authority that is, respondent no. 3/The Chief Administrative Officer, The West Bengal State Council of Technical and Vocational Education and Skill Development, for his consideration and decision in this regard.
13. Let the said respondent afford reasonable opportunity of hearing to the petitioners as well as to all the stake holders in the matter, as it may deem fit and proper and consider records as well as judgment of the Court, if any, to come to a reasoned and written decision.
14. Let the exercise as above be concluded by the respondent no. 3 within a period of eight weeks from the date of communication of this order and his decision be communicated to the petitioners by a letter, within a period of one week from the date of his order.
15. With the aforesaid observations and directions, **WPA No. 22783 of 2023** is **disposed of**.
16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)