

27.06.2022.
Court No.13
Item No. 393
ap

W.P.A. No. 28392 of 2013
Dr. Sima Sarkar
Versus
The State of West Bengal & Ors.

Mr. Dilip Kumar Maiti,
Mr. Uttam Kumar Kamila.

...For the petitioner.

Ms. Chaitali Bhattacharya.

...For the State.

The petitioner is aggrieved by an order dated 4th June, 2013, passed by the District Inspector of Schools (SE), North 24 Parganas. By the impugned order, the petitioner's claim for two additional increments to the petitioner's pay scale based on the Ph.D. Degree acquired by the petitioner on 3rd September, 2010 has been denied.

The brief facts of the case are that the petitioner joined Deganga Kartickpur Adarsha Balika Vidyapith on 20th August, 1999, with a M.A. in History and also a B.Ed.

The petitioner subsequently acquired Ph.D. Degree and applied before the District Inspector of Schools (SE), North 24 Parganas, for two additional increments.

Admittedly, such right to get two additional increments pursuant to Doctorate qualification arises

out of the provisions of the ROPA, 1998. The said benefit was disallowed in ROPA, 2009, which came into force from 1st January, 2006.

The petitioner acquired her Ph.D. Degree on 3rd September, 2010, after coming into force of ROPA, 2009. By the said time, the W.B. Schools Control of Expenditure Act, 2005 had also come into force.

In that view of the matter, the benefits of Rule 12(5) of G.O. No. 25-SE dated 12th February, 1999, issued under ROPA, 1998, cannot be claimed by the petitioner. Despite the fact that the benefit of the said Government Order dated 12th February, 1999 was extended upto 18th August, 2005, the petitioner's case is still not covered under the said G.O.

In view of the above, no relief can be granted to the petitioner in this writ petition.

Hence, the instant writ petition must fail and is hereby dismissed.

Interim order, if any, shall stand vacated.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

