

12.07.2023
SL No.1-4
Court No.8
(sg)

MAT 1029 of 2018
CAN 1 of 2018 (Old No: CAN 7512 of 2018)
CAN 2 of 2022

The State of West Bengal & Ors.
Vs.
Dr. Saswati Kumar (Barman) & Ors.

With

WPA 26387 of 2017
CAN 1 of 2018 (Old No: CAN 7854 of 2018)

Dr. Raghu Chikkala
Vs.
The State of West Bengal & Ors.

With

WPA 27708 of 2017
CAN 1 of 2018 (Old No: CAN 7855 of 2018)

Dr. Saswati Kumar (Barman)
Vs.
The State of West Bengal & Ors.

With

FMA 875 of 2021
CAN 1 of 2018 (Old No: CAN 7517 of 2018)
CAN 2 of 2022

The State of West Bengal & Ors.
Vs.
Raghu Chikkla & Ors.

Mr. Nayan Bihani,
Mrs. Papiya Banerjee Bihani,
...for the Writ petitioners/
respondents.

Mr. Pinaki Dhole,
Ms. Tapati Samanta,
...for the Appellants/State.

Mr. Anil Kr. Gupta,
...for the U.G.C.

In Re:

MAT 1029 of 2018
CAN 1 of 2018 (Old No: CAN 7512 of 2018)
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The State of West Bengal & Ors.
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The application for transposition, being CAN 1 of 2018 (Old No: CAN 7855 of 2018) is allowed.

In view of the transposition allowed in CAN 1 of 2018 (old CAN 7855 of 2018), the learned Advocate for the writ petitioners shall carry out transposition in the cause title of the writ petition, memorandum of appeal and stay petition in course of the day.

CAN 1 of 2018 (old CAN 7855 of 2018) is, accordingly, disposed of.

During the pendency of the appeal, similar issue came up for consideration before a Coordinate Bench presided over by Hon'ble Justice Dr. Sambuddha Chakrabarti and the appeal preferred by the State was dismissed with the following observation:-

“As almost all kind of College Teachers, whether they joined before 1st January, 1996 or after 1st January, 1996 were allowed to get

the benefit of advance increment on obtaining their Ph.D. degree while on service, no reason is found as to why the petitioners who joined service before 1st January, 1996 with Ph.D. degree will not be granted the benefit of advance increment.”

The writ petitioners are similarly placed as that of Tapan Kumar Ghosh and others, whose matters were decided in their favour by the Coordinate Bench on 9th August, 2019.

In view thereof, the appeal and the connected applications stand dismissed.

It is needless to mention that in view of the dismissal of the appeals, the writ petitioners shall be entitled to all admissible incentives in terms of the Circular dated 24th June, 2022.

The short list of dates filed on behalf of the appellants is taken on record.

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The short list of dates filed on behalf of the appellants is taken on record.

(Uday Kumar, J.)

(Soumen Sen, J.)