

20 09.01.2023
rkd Ct.15

W.P.A. 21987 of 2013

Subhra Chaudhuri

-vs-

State of West Bengal & Ors.

Mr. Ekramul Bari,
Mr. S. M. Ali,
Ms. Tanuja Basak

....for the petitioner.

Mr. Santanu Kumar Mitra,

...for the State.

In the present writ petition the decision of the District Inspector of Schools (S.E.), Kolkata dated 8th May, 2013 is under challenge whereby prayer of the petitioner for sanctioning two additional increments for acquiring Ph.D was turned down.

It has been submitted by Mr. Bari, learned advocate representing the petitioner that she was awarded Ph.D on 3rd May, 2007 and reliance has been placed on Government Order dated 5th January, 2012 issued by the Joint Secretary, School Education Department whereby a cut off date has been fixed i.e. 18th August, 2005 for grant of incremental benefits for acquiring Ph.D. According to the petitioner such fixation of cut off date vide circular dated 5th January, 2012 has been negated by a coordinate Bench by delivering

judgment therefore on the strength of this circular dated 5th January, 2012 claim of the petitioner for grant of two additional increments cannot be ignored.

Mr. Mitra, learned senior Government advocate appears for the State respondents who has defended the decision of the District Inspector of Schools (S.E.), Kolkata on placing reliance on the judgment of the Division Bench dated 5th April, 2019 on an intra Court appeal being FMA 2368 of 2015 (State of West Bengal & Ors. -vs- Gautam Ghosh & Ors.).

This Court on perusal of this judgement dated 5th April, 2019 finds that on similar circumstances claim of respondent no.1 for grant of incremental benefits on acquiring Ph.D was negated in consideration of the provisions of ROPA 2009 which came into existence with effect from 1st January, 2006.

In the present case petitioner obtained Ph.D on 3rd May, 2007 which is admittedly after coming into effect of ROPA 2009. There is also no dispute with regard to the provisions of ROPA 2009 which does not empower the authorities to grant two additional increments for obtaining Ph.D from the date of convocation on which such degree is

awarded.

In view of the aforesaid facts relating to the date on which petitioner obtained Ph.D and placing reliance on the decision of the Hon'ble Division Bench in **Gautam Ghosh** (Supra), this Court does not find merit in the writ petition and accordingly the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)