

10.09.2024
Court No. 18
Item No. 163 (ML)
(**Suvendu**)

W.P.A. 9456 of 2023

Debjit Kumar Mondal
-Versus-

State of West Bengal & Ors.

Mr. Himadri Barua
Mr. Biswajit Das

...for the petitioner

Mr. Swapan Dutta
Mr. Tapas Kumar Dey
Mr. Rezaul Hossain

.....for the State respondents

Affidavit of service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition, petitioner
has claimed two additional increments for
acquiring Ph.D. degree from Kalyani University.
It is also stated that convocation was held for
conferring Ph.D. degree on 22nd July, 2011.

Learned advocate representing State
respondents has opposed the prayer of the
petitioner on the strength of a judgment of the
Hon'ble Division Bench reported in **2019 (3)**
CHN (Cal) 221 (State of West Bengal Vs.
Chandra Bhusan Dwivedi).

Having considered the submissions made
on behalf of the parties and ratio of **Chandra**
Bhusan Dwivedi (supra), it appears that issue is

no more *res integra*. In paragraphs 10 and 11 of **Chandra Bhusan Dwivedi** (supra), it has been succinctly decided by the Hon'ble Division Bench that if claim of the teacher for sanctioning two additional increments based on acquiring Ph.D. degree is required to be considered in terms of ROPA 2009 in that event no relief can be granted. It is true that under Clause 12(5) of ROPA 1998 a teacher on acquiring Ph.D. degree was made eligible to claim two additional increments but such provision is not present in subsequent Revision of Pay and Allowances Rules (ROPA), 2009. In absence of relevant provision, which was there in Clause 12(5) in ROPA 1998 Rules, claim of the petitioner for sanctioning two additional increments cannot be allowed based on decision of the Hon'ble Division Bench in **Chandra Bhusan Dwivedi** (supra). In the present case, convocation was held on 22nd July, 2011. Therefore issue comes under purview of ROPA 2009 Rules.

Accordingly, the writ petition stands dismissed.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)