

ML 167
11.09.2024
Ct. No. 18
adeb

W.P.A. 11594 of 2023

**Nurmohammad Naskar
Vs.
The State of West Bengal & Ors.**

Mr. Himadri Basu
Mr. Biswajit Das
...for the petitioner
Mr. Supriyo Chattopadhyay
Ms. Sayantanee Bhattacharjee
...for the State

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

By presenting this writ petition, *inter alia*,
petitioner has prayed for sanction of two additional
increments for acquiring Ph.D degree. It has been
submitted by the learned advocate representing the
petitioner that convocation was held on 23rd September,
2008 for conferring Ph.D degree upon the petitioner.
Prayer is made for directing the State-respondents to
sanction incremental benefits.

The learned advocate representing State-
respondents has opposed the prayer of the petitioner on
placing reliance on the 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 respective submissions
made on behalf of the parties and taking note of the ratio
of **Chandra Bhusan Dwivedi** (supra) it appears that the

issue is no more *res integra*. It has been succinctly decided by the Hon'ble Division Bench in paragraphs 10 and 11 of **Chandra Bhusan Dwivedi** (supra) that the teacher may be entitled to receive incremental benefits in terms of Clause 12(5) of Revision of Pay and Allowances Rules, 1998 but similar provision being absent in subsequent Revision of Pay and Allowances Rules, 2009, incremental benefits for having Ph.D degree ought not to be permitted. ROPA 2009 Rules were effected with effect from 1st January, 2006 whereas convocation was held on 23rd September, 2008 for conferring degree. Therefore, the issue relating to grant of incremental benefits comes under the purview of ROPA 2009 Rules where nothing is provided which would make a teacher entitled to claim incremental benefits for acquiring Ph.D degree.

In view of aforesaid discussion the writ petition stands dismissed.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)