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16.07.2024
Ct. No. 18
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W.P.A. 17176 of 2024

**Asoke Kumar Garai
Vs.
The State of West Bengal & Ors.**

Mr. Biswarup Biswas
Ms. Atryee De Ganguly
...for the petitioner

Mr. Shamim ul Bari
Mr. Priyobrata Ghosh
...for the State

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

The writ petition is heard in presence of the learned advocates representing the petitioner and the State-respondents.

Petitioner is a retired headmaster, who superannuated with effect from 1st February, 2024. It is also submitted by the learned advocate for the petitioner that he is in receipt of pension and other retiral dues have already been released in his favour. By presenting this writ petition petitioner is claiming for sanction of incremental benefits @ 3% since he was manning the post of headmaster in a Government recognized aided higher secondary school from the date of upgradation of the school with effect from 11th July, 2012.

It is further submitted that a representation has been made to the concerned Additional District Inspector of Schools (SE), Asansol claiming incremental benefits but till date no decision has been taken. In support of such contention reliance has also been placed on the judgment of the Hon'ble Division Bench dated 15th March, 2021 passed on two intra Court appeals first one being **MAT 6 of 2020 (Satyajit Ghosh Vs. State of West Bengal & Ors.)** and another judgment dated 15th January, 2024 passed by a coordinate Bench on the writ petition being **WPA 6217 of 2021 (Subir Kumar Ghosh Vs. The State of West Bengal & Ors.)**.

State-respondents are represented by learned advocate who submits that if appropriate direction is given upon the Joint Secretary, School Education Department being respondent no. 2 decision shall be taken by the said authority in accordance with law.

Having considered the submissions made on behalf of the parties leave is granted to the petitioner to make a comprehensive representation claiming incremental benefits @ 3% by fortnight from date. If such representation is made within the aforesaid time Joint Secretary, School Education Department is directed to take decision on such representation within 8 (eight) weeks thereafter after granting opportunity of hearing to the petitioner or his representative.

At the time of deliberation to be made before the respondent no. 2 petitioner shall be at liberty to rely upon the relevant judgments delivered by this Court with regard to sanction of such incremental benefits as well as the Government notifications/orders.

The decision to be taken by the respondent no. 2 shall be communicated to the petitioner within 1 (one) week thereafter.

With the aforesaid direction and observation, the writ petition stands disposed of.

Since no affidavit has been called for allegations contained in the writ petition are deemed not to have been admitted.

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

(Saugata Bhattacharyya, J.)