

DL - 30
19.09.2024
Ct No. 18
S.Das

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 23286 of 2024

Manoj Kumar Maiti
Vs.
The State of West Bengal & Ors.

Mr. Kanai Lal Samanta
.....for the petitioner.

Mr. Swapan Banerjee, Id. A.G.P
Mr. Diptendu Narayan Banerjee
...for the State.

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

By presenting this writ petition, inter alia, petitioner has prayed for sanction of 3% additional incremental benefits for manning the post of 'Headmaster' in a Higher Secondary School.

During course of hearing, reliance is placed on a judgement of a Co-ordinate Bench dated 21st June, 2024 passed on a writ petition being WPA 18216 of 2019(Dibyendu Sundar Ray -Vs. The State of West Bengal and Ors.).

According to the petitioner, the issue has been decided by the Co-ordinate Bench. Therefore, there is no impediment so far State authorities are concerned to extend the benefit of 3% additional increment in favour of the petitioner.

State respondents are represented by Mr. Swapan Banerjee, learned Additional Government Pleader, who has opposed the prayer of the petitioner on the ground that in view of Govt. Order being G. O. No. 292-SL/5S-294/12

dated 22nd March, 2017, such incremental benefits are not payable to the petitioner.

Having considered the respective submissions made on behalf of the parties, this Court finds that the issue is no more *res integra* in view of the judgement dated 21st June, 2024 passed in Dibyendu Sundar Ray –Vs. The State of West Bengal and Ors.

The Commissioner of School Education, West Bengal being respondent no.3 is directed to take decision on the representation of the petitioner dated 19th August, 2024 which is at page 44 of the writ petition by 8(eight) weeks from the date of communication of this order by passing a reasoned order.

Before taking such decision, opportunity of hearing shall be granted to the petitioner or his representative and the respondent no.3 shall rely upon the ratio of Dibyendu Sundar Ray –Vs. The State of West Bengal and Ors.

The writ petition stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)