

**20.8.2024**  
Ct.25, sl.209

sk

WPA 27358 of 2013  
Jayanta Chatterjee-vs--State of West Bengal & Ors.

Mr. Ekramul Bari

...for the petitioner.

This writ petition is to challenge the order of the District Inspector of Schools, Secondary Education, Hooghly dated July 2, 2013 by dint of which the said respondent has turned down the petitioner's prayer for extension of the financial benefit of two increments to him, he being the Ph.D.Degree holder. The concerned respondent authority has decided in the said impugned order on the basis of the following grounds:-

- i) Ph.D. degree is neither essential nor desirable qualification for the post of an Assistant Teacher of a Government aided School under this directorate.
- ii) The benefits of two additional increments for Ph.D. degree in terms of G.O.No. 25-SE(B), dated 03.11.99 was allowed as per ROPA 1998.
- iii) The petitioner opted to come under Ropa 2009 and exercised his option on 19.6.2009 and the same was countersigned by the H.M. on the same day. And by virtue of which he elected the revised pay structure w.e.f.1<sup>st</sup> Jan.2006.
- iv) As per Ropa' 09 Rule (G.O.No. 46-SE(B), dt. 27.02.2009) there is no provision of

additional financial benefit for acquiring Ph.D. degree to any teacher of a Government aided institution.

- v) The petitioner awarded his Ph.D. degree on 10.5.2011 i.e. at that point of time he came under Ropa'09.

It is worth noting that the said financial benefit in terms of G.O.No. 25-SE(B), dated 03.11.1999 lost its force as soon as G.O.No. 46-SE(B), dt. 27.02.09 had come into force w.e.f.01.01.2006.

None appears for the respondents. No affidavit-in-opposition has been filed in spite of directions be made by the Court.

Hence, the matter is taken up for disposal in absence of the respondent. So far as the merits of the case is concerned. It appears that the writ petitioner had obtained his Ph. D degree on May 10, 2011.

The Court finds no error in the finding of the said respondent/District Inspector of Schools, in the said impugned order dated July 2, 2013, as the same has held that the financial benefit in terms of Government order dated November 3, 1999 cannot be allowed the same having lost its force as soon as ROPA 2009, came into force with effect from January 1, 2006.

The same being settled the position of law, the Court finds no illegality or impropriety in the impugned order in this case.

On the premise as above, the writ petition is dismissed.

**(Rai Chattopadhyay, J.)**