

27.02.2025
Court No. 18
Item No. 07
(Suvendu)

WPA 3132 of 2025

Pradip Kumar Maiti
-Versus-

State of West Bengal & Ors.

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

Mr. Dipanjan Datta
Mr. Sayan Datta
.....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 3%
additional incremental benefits for manning the
post of Headmaster in a High Secondary School.

During course of hearing, reliance is
placed on a judgment 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 & Ors.)**.
Reliance is also placed on the order of the
Hon'ble Division Bench dated 7th January, 2025
passed on an intra-court appeal being **FMA 981
of 2022 (Samarendranath Adak Vs. The State
of West Bengal & Ors.)**.

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

State respondents are represented by Mr. Datta, learned advocate who has opposed the prayer of the petitioner on the ground that in view of Government 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 judgment of the Co-ordinate Bench passed in **Dibyendu Sundar Ray** (supra) and the order of the Hon'ble Division Bench passed in **Samarendranath Adak** (supra).

The Commissioner of School Education, West Bengal, being respondent no. 3 is directed to take decision on the representation of the petitioner dated 22nd October, 2024 which is at pages 49 and 50 of the writ petition by 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 respondent no. 3 shall rely upon the ratio of the judgment of the Coordinate Bench passed in **Dibyendu Sundar Ray** (supra) and the order of the Hon'ble Division Bench passed in **Samarendranath Adak** (supra).

The writ petition stands disposed of, without any order as to costs.

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

(Saugata Bhattacharyya, J.)