

16r 27.03.2025
kd Ct.18

W.P.A. 5286 of 2025

Md. Afrabuddin Sk.

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das,
Ms. Sudipta Pramanik

....for the petitioner.

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

In spite of service of notice no one is
representing the State respondents.

Petitioner by presenting this writ petition,
inter alia, has prayed for sanction of 3 per cent
additional increment for manning the post of
Headmaster in Higher Secondary school. It is also
submitted that petitioner has already retired on
superannuation.

Learned advocate representing the
petitioner has relied upon the judgment dated 3rd
December, 2024 of the Hon'ble Division Bench
passed on an *intra-court* appeal being ***MAT 1002 of
2022 (The State of West Bengal & Anr. vs. Sri
Kali Sadhan Bhattacharjee @ Bhattacharyya
& Ors.)***. He also relied upon a Judgment dated 15th

January, 2024 passed by a Co-ordinate Bench on a writ petition being **WPA 6217 of 2021 (Subir Kumar Ghosh vs. The State of West Bengal & Ors.)**.

Having considered the issue involved in this writ petition, this Court finds that no useful purpose would be sub-served in keeping this writ petition pending.

Petitioner is granted leave to prefer a representation before the Commissioner of School Education, West Bengal being respondent no.2 by fortnight from date claiming 3 per cent additional incremental benefits since petitioner worked as Headmaster in a Government aided higher secondary school. If such representation is made within the aforesaid time, respondent no.2 is directed to decide the claim of the petitioner for sanctioning 3 per cent additional increment for manning the post of Headmaster in a Government aided higher secondary school and a reasoned order shall be passed after granting opportunity of hearing to the petitioner or petitioner's representative by twelve (12) weeks thereafter. The decision to be taken by the Commissioner of School Education shall be communicated to the petitioner

by fortnight thereafter. While taking such decision, Commissioner of School Education shall follow the ratio of **Sri Kali Sadhan Bhattacharjee** (supra) as decided by the Hon'ble Division Bench *vide* judgment dated 3rd December, 2024 and the ratio of **Subir Kumar Ghosh** (supra) as decided by the Co-ordinate Bench *vide* judgment dated 15th January, 2024.

With the above direction, writ petition stands disposed of.

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.)