

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 5835 OF 2024

ALOK SINHA

VS.

THE STATE OF WEST BENGAL & OTHERS

Mr. Kaustav Shome, Adv.

...for the Petitioner

Mr. Ritesh Kumar Ganguly, Adv.

...for the State

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner by presenting this writ petition, *inter alia*, has prayed for sanction of three per cent additional increment for manning the post of Headmaster in Higher Secondary school.
3. Learned advocate representing the petitioner has relied upon the judgment 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.)***.

4. State respondents are represented by learned advocate.
5. 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.
6. Leave is granted to the petitioner to make a representation to the Commissioner of School Education being respondent no.2 by three (3) weeks from date claiming three per cent additional increment. If such representation is made within the aforesaid time, the respondent no.2 shall decide the claim of the petitioner for sanction of three 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 his representative by twelve (12) weeks from the date of receipt of such representation. The decision to be taken by the respondent no.2 shall be communicated to the petitioner by fortnight thereafter. While taking such decision, the respondent no.2 shall follow the ratio of **Sri Kali Sadhan Bhattacharjee** (*supra*) and ratio of **Subir Kumar Ghosh** (*supra*).
7. With the aforesaid directions, writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)