

12 21.04.2025
rkd Ct.18

W.P.A. 7921 of 2025

Shyamsundar Manna

-vs-

State of West Bengal & Ors.

Mr. Kanailal Samanta

....for the petitioner.

Mr. Jahar Datta,

Mr. Bipin Ghosh

....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 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. 2 is directed to take decision on the representation of the petitioner dated 26th January, 2025 which is at page 39 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. 2 shall rely upon the ratio 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 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.)