

07
01.05.2025
Ct. No. 18
kaushik

W.P.A. 8356 of 2025

**Mrityunjoy Maity
Vs.
The State of West Bengal & Ors.**

Ms. Santi Das
Mr. R. D. Bhowmick

...for the Petitioner

Mr. Sushanta Pal
Ms. Molly Saha

...for the State

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

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.)***. She 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.).

State respondents are represented by learned advocates.

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.3 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.3 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.)