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18.06.2025
Ct. No. 18
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W.P.A. 10840 of 2025

**Himadri Sekhar De Sarkar
Vs.
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
Ms. Sudipta Pramanik
...for the petitioner
Mr. Susanta Pal
Ms. Ananya Neogi
...for the State

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

Petitioner is to retire on superannuation on 30th September, 2025. Petitioner being Headmaster of upgraded higher secondary school was enjoying 3% additional increment. Though on 21st December, 2022 an objection was raised by the District Inspector of Schools (SE) Barrackpore, North 24 Parganas regarding grant of 3% additional increment but it appears from a document at page 38 of the writ petition that pay fixation of the petitioner was signed by the Additional Deputy Director of Accounts, Barrackpore, North 24 Parganas on 19th December, 2022 granting 3% additional increment.

Surprisingly, at the time of settling pension case of the petitioner in view of his superannuation with effect from 30th September, 2025 Deputy Director (In-charge) Director of Accounts (SE)

Barrackpore, North 24 Parganas by issuing memo dated 17th March, 2025 raised objection on sanction of 3% additional increment.

It is rightly pointed out on behalf of the petitioner that the issue of getting the benefit of 3% additional increment for manning the post of Headmaster in an upgraded higher secondary school is no more *res integra* in view of the judgment delivered by a coordinate Bench on a writ petition being **WPA 6217 of 2021 (Subir Kumar Ghosh vs. The State of West Bengal & Ors.)**. Claim of the petitioner stands fortified vide another 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.)**.

In view of aforesaid settled position of law as enunciated by the Hon'ble Division Bench as well as coordinate Bench Commissioner of School Education, West Bengal being respondent no. 2 is directed to fix the pay of the petitioner accordingly within a period of 4 (four) weeks from the date of communication of this order. Within the aforesaid period of 4 (four) weeks respondent no. 2 shall pass an appropriate order after granting opportunity of hearing to the petitioner and Deputy Director (In-charge) Director of Accounts (SE) Barrackpore, North

24 Parganas. Based on the order to be passed by the respondent no. 2 subsequent steps shall be taken by the State authorities for finalizing pension case of the petitioner in view of petitioner's superannuation with effect from 30th September, 2025.

Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)