

W.P.A. 11969 OF 2025

Akbar Ali
Vs.
The State of West Bengal & Others

Mr. Ekramul Bari, Sr. Adv.
Mr. Sk. Intiaj Uddin, Adv.

...for the Petitioner

Mr. Jagabandhu Roy, Adv.
Ms. Ashima Das (Sil), Adv.

...for the State

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

Learned advocate representing the petitioner submits that petitioner is to retire from the post of Headmaster on superannuation on 31st January, 2026. While processing pension case of the petitioner, District Inspector of Schools (S.E.), Murshidabad being respondent no.4 raised objection on eligibility of the petitioner to draw additional increment of three per cent for manning the post of Headmaster in an upgraded higher secondary school. It is submitted that respondent no.4 should not have raised objection while settling pension case of the petitioner since issue is no more *res integra* in view of order dated 7th January, 2025 passed by the Hon'ble Division Bench on an *intra-court* appeal being **FMA 981 of 2022 (Samarendranath Adak vs. The State of West Bengal & Ors.)**. It is submitted that on the strength of ratio in **Samarendranath Adak (supra)** petitioner is entitled to enjoy three per cent additional increment being Headmaster of upgraded higher secondary school.

State respondents are represented by learned advocates who have opposed the prayer of the petitioner on the count that there is no formal order passed by respondent no.4 or Commissioner of School Education, West Bengal granting additional incremental benefits in favour of the petitioner in consideration of the fact that petitioner is working as Headmaster in an upgraded higher secondary school.

In view of the respective submissions made on behalf of the parties, writ petition stands disposed of directing the Commissioner of School Education, West Bengal being respondent no.2 to decide the entitlement of the petitioner to receive three per cent additional increment being Headmaster of an upgraded higher secondary school on following ratio decided in ***Samarendranath Adak (supra)***. Respondent no.2 is also directed to consider ratio of the judgment of the Hon'ble Division bench dated 3rd December, 2024 delivered in ***MAT 1002 of 2022 (The State of West Bengal & Anr. vs. Sri Kali Sadhan Bhattacharjee @ Bhattacharyya & Ors.)*** and ratio of the judgment of a Co-ordinate bench dated 15th January, 2024 delivered in ***WPA 6217 of 2021 (Subir Kumar Ghosh vs. The State of West Bengal & Ors.)*** Respondent no.2 shall take a reasoned decision within a period of six (6) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his

representative. Decision to be taken by respondent no.2 shall be communicated to the petitioner by ten (10) days thereafter. Such decision is also to be communicated to the respondent no.4 for expeditious settlement of pension case of the petitioner prior to petitioner's superannuation on 31st January, 2026.

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

(Saugata Bhattacharyya, J.)