

02.07.2025
Court No. 18
Item No. 34
(Suvendu)

WPA 12914 of 2025

Tapan Kumar Mandal
-Versus-

The State of West Bengal & Ors.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury
.....for the petitioner

Mr. Biswajit De
Md. Abu Reja Jugal Kabir
...for the State

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

2) Petitioner retired on superannuation on 31st October, 2024 and by depositing alleged excess drawn amount received retiral dues including pension on issuance of Pension Payment Order dated 3rd October, 2024. It is submitted by learned advocate representing the petitioner that State respondents wrongly calculated the amount drawn in excess by the petitioner by holding that 3% additional increment for manning the post of Headmaster in upgraded higher secondary school was not payable to the petitioner.

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 Coordinate 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 subserved in keeping this writ petition pending.

6) Leave is granted to the petitioner to make a representation to the Commissioner of School Education, Government of West Bengal by three weeks from date claiming 3% additional increment and fixation of pension accordingly. If such representation is made within the aforesaid time, the Commissioner of School Education, Government of West Bengal shall decide the claim of the petitioner by passing reasoned order within twelve weeks from date of receipt of such representation. Petitioner shall be granted opportunity of hearing before taking decision. The decision to be taken by the Commissioner of School Education shall be communicated to the petitioner by ten days thereafter. While taking such decision, the 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 Coordinate Bench vide judgment dated 15th January, 2024.

7) Writ petition stands disposed of, without any order as to costs.

8) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)