

14.07.2025
Court No. 18
Item No. 20
(Suvendu)

WPA 13227 of 2025

Sharmistha Ghosh (Jana) & Anr.
-Versus-

The State of West Bengal & Ors.

Mr. Apurba Kumar Ghosh
..for the petitioners

Mr. Suman Dey
Mr. Satyam Mukherjee
...for the State

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

2) It appears that two petitioners have approached this Court by filing a common writ petition claiming 3% additional increment for manning the post of Headmaster in two different schools. Since two petitioners have espoused different causes of action present writ petition at the instance of both the petitioners is not maintainable. This writ petition is entertained at the instance of first petitioner (hereinafter referred to as "petitioner"). However, leave is granted to petitioner no. 2 to prefer writ petition afresh on self-same cause of action.

3) Petitioner by presenting this writ petition, *inter alia*, has prayed for sanction of 3% additional increment for manning the post of Headmaster in Higher Secondary school.

4) 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.)**.

5) State respondents are represented by learned advocate.

6) 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.

7) 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. 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 fortnight 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.

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

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

(Saugata Bhattacharyya, J.)