

13.08.2025
Court No. 18
Item No. 12
(Suvendu)

WPA 14899 of 2025

Bhima Charan Ghoshal
-Versus-

The State of West Bengal & Ors.

Mr. Biswarup Biswas
Mr. Pradip Kumar Ghosh
Ms. Namita Basu
.....for the petitioner

Mr. Sugata Sankar Roy
Ms. Rinku Sen
.....for the State

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

2) In the writ petition order of the District Inspector of Schools (SE), Howrah dated 2nd April, 2025 is under challenge whereby prayer of the petitioner for sanctioning three percent additional increment has been spurned. Basis of refusing to grant three percent additional increment for manning the post of Headmaster in upgraded higher secondary school is circular issued by the Joint Secretary(Secondary) to the Government of West Bengal being no. 292-SL/5S-294/12 dated 22nd March, 2017. However, it is rightly pointed out by learned advocate representing the petitioner that issue is no more *res integra* in view of the order 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.)**.

3) In **Subir Kumar Ghosh** (supra) coordinate Bench set aside aforesaid circular dated 22nd March, 2017 whereby right of Headmaster/Headmistress of higher secondary school to enjoy three percent additional increment after up-gradation was taken away which was previously sanctioned vide memo dated 4th December, 2014 being No. 1003-SE (S)/5P-129/12.

4) State respondents are represented by learned advocate who appears on virtual mode and has made submission to defend the decision of the District Inspector of Schools (SE), Howrah dated 2nd April, 2025.

5) At first blush, it appears that the impugned decision of the concerned District Inspector of Schools as contained in memo dated 2nd April, 2025 is in the teeth of the order passed by the coordinate Bench in **Subir Kumar Ghosh** (supra). Once the issue is decided by the coordinate Bench and the decision attains finality concerned District Inspector of Schools cannot sit in appeal over such decision of the High Court. Therefore, order passed by the District Inspector

of Schools (SE), Howrah on 2nd April, 2025 is found to be perverse and same is set aside.

6) Hence, the District Inspector of Schools (SE), Howrah is directed to grant three percent additional increment to the petitioner following the ratio of **Subir Kumar Ghosh** (supra) within a period of four weeks from date of communication of this order.

7) Writ petition stands disposed of.

8) There shall be, however, no 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.)