

17.09.2025
Court No. 18
Item No.08
(Suvendu)

WPA 15353 of 2025

Abdul Matin Mollick

-Versus-

The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Haritri Roy
Mr. Ratul Ghosal
Ms. Sampurna Chowdhury
.....for the petitioner

Mr. Nilotpal Chatterjee
Mr. Debasish Chattopadhyay
.....for the State

1. In terms of order dated 18th August, 2025, report of the District Inspector of Schools (SE), Sough 24 Parganas being respondent no. 4 dated 16th September, 2025 is filed and same is taken on record.

2. On perusal of the report dated 16th September, 2025, it appears that on applying Government Order No. 292-SL/55-294/12 dated 22nd March, 2017 it was decided while processing the pension case of the petitioner that he is not entitled to draw 3% additional increment which petitioner availed in terms of Government Order dated 4th December, 2014. Attempt has been made to offer explanation in the report dated 16th September, 2025 that as Government Order dated

4th December, 2014 stood withdrawn vide Government Order dated 22nd March, 2017, petitioner was found to be not eligible to avail 3% additional incremental benefit being Headmaster of a higher secondary school.

3. Issue is no more *res integra* in view of the judgment dated 15th January, 2024 delivered by a Coordinate Bench on a writ petition being **WPA 6217 of 2021 (Subir Kumar Ghosh Vs. The State of West Bengal & Ors.)** wherein said Government Order dated 22nd March, 2017 was set aside.

4. Therefore, it appears that petitioner being Headmaster of a Government aided higher secondary school is entitled to receive 3% additional increment.

5. In view of aforesaid situation, State respondents are directed to process the pension case of the petitioner without raising objection relating to granting 3% additional incremental benefit to the petitioner for manning the post of Headmaster in a Government aided higher secondary school and State authorities shall not insist upon the petitioner to refund Rs. 349600/- being pre-condition to release retiral dues.

6. It is expected that State authorities shall process the pension papers in advance since

petitioner is scheduled to retire on 31st October, 2025 and release retiral dues including pension from the date following next date of superannuation of the petitioner.

7. Writ petition stands disposed of.
8. There shall be 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.)