

03-11-2025
Item No.18 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.21258 of 2025

Babli Mondal

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Ray ...for the petitioner

Mr. Tauhid Khan ...for the State

Mr. Sourav Mitra ...for WBCSCC

1. The petitioner is an OBC 'B' category candidate selected for appointment as assistant teacher in an upper primary school under the General category. Despite the petitioner seeking to be appointed in a General category post, her recommendation was made in a school with vacancy reserved for Scheduled Caste category.
2. The school intimated the same to the District Inspector of Schools and thereafter recommendation letter of the petitioner stood rectified and she was recommended for appointment in a General category post in a different school.
3. The process of recommendation consumed three months. The first recommendation being made on November 26, 2024 and the second one on February 7, 2025. The petitioner joined the school on March 5, 2025.
4. Grievance of the petitioner is that had the recommendation been made in proper time and the petitioner could have joined school in January 2025, she would have been entitled to an

increment in July 2025. As the petitioner joined in March 2025, she lost the opportunity to get the increment.

5. The petitioner submits that such delay in her appointment was in no way attributable to her. Accordingly, she should not be deprived of the increment.
6. A similar issue came up for consideration before this Court; and vide order dated August 8, 2025 passed by the Hon'ble Division Bench in MAT No.1247 of 2025 with CAN No.1 of 2025 (Saktipada Pradhan -vs- The State of West Bengal & Ors.), this Court was pleased to hold that equity regards that justice should be done. Balancing the equities among the parties, the Court opined that the incremental benefits cannot be scuttled and the deficiency in service towards grant of incremental benefit of about a month needs to be condoned. Such condonation would have no regard to other service related benefits including the seniority. The date of appointment of the candidate shall remain the same. The Court directed the State to grant incremental benefit as specified under Rule 10 of the notification dated December 13, 2019 of the West Bengal Revision of Pay and Allowances Rules 2019.
7. In view of the binding precedent of the Hon'ble Division Bench, the instant writ petition is disposed of by directing the State to grant the petitioner the incremental benefit which she is entitled to in terms of the above Rule at the earliest.

8. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]