

03-11-2025
Item No.39 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.22228 of 2025
Ashoke Kumar Bhunia

-vs-

The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Sk. Imtaj Uddin ...for the petitioner

Mr. Rabindra Narayan Dutta
Mr. Siddhartha Banerjee ...for the State

1. The petitioner seeks 3% additional increment on his appointment on account of upgradation of the school from the secondary to the higher secondary level in accordance with the notification dated February 10, 2010.
2. The additional increment was initially allowed by the State and the petitioner was given the benefit of it. Thereafter, the notification for providing the additional increment stood withdrawn by the State vide memo dated March 23, 2017. After the withdrawal of the notification, the additional increment of the petitioner stood stopped. The petitioner prays for payment of the additional increment.
3. Whether the petitioner would be entitled to the additional increment despite the relevant memo being withdrawn by the State was taken up for consideration by this Court in WPA No.23867 of 2017 (Kanchiram Sarkar & Ors. –vs- State of West Bengal & Ors.); and vide judgment dated May 7,

2024, the Court was pleased to set aside the impugned notification of withdrawal dated March 23, 2017 and directed the respondents to grant benefit to the respective teachers in terms of the initial notification dated February 10, 2010.

4. The Hon'ble Division Bench vide order dated January 7, 2025 passed in FMA No.981 of 2022 with CAN No.1 of 2022 (Samarendranath Adak – vs- The State of West Bengal & Ors.) was pleased to uphold the grant of additional increment.
5. As the issue in question appears to have been decided by the Court, accordingly, the instant writ petition stands disposed of by directing the District Inspector of Schools (SE), South 24 Parganas, the fourth respondent herein, to grant benefit of the petitioner in line with the notification dated February 10, 2010 from the date of upgradation of the school or the date of the appointment of the petitioner as head teacher, whichever is earlier at the earliest but positively within eight weeks from the date of communication of this order.
6. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
7. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

