

08.12.2025
Sl. No.3
Ct. No.14
gd

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA/23031/2024
RAJKUMAR GHOSH
VS
STATE OF WEST BENGAL AND ORS.

Mr. Bhagbat Chaudhuri
Ms. Gopa Mainan

...for the Petitioner.

Ms. Kalpita Paul

...for the State.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

...for WBBPE.

Mr. Ranjan Saha

...for DPSC, Paschim Medinipur.

1. By order dated 11th July, 2025 the names of petitioner nos.2 to 7 have been expunged.
2. The writ petition is moved on behalf of petitioner no.1, Rajkumar Ghosh.
3. By the present writ petition, the petitioner no.1 seeks for notional benefit as Assistant Teacher in Primary School with effect from February, 2017 and consequent release of all service benefits including revision of pay and annual increments by re-fixation of the scale of pay.
4. The petitioner no.1 contends that he participated in the recruitment process of the year 2016. The petitioner joined as a Primary School Teacher on the

basis of notification dated 24th November, 2022 issued by Chairman-in-Charge, Paschim Medinipur District Primary School Council pursuant to the order passed by this court in WPA No.20594 of 2022 (*Rajkumar Ghosh versus The State of West Bengal & Ors.*). The petitioner prays for notional benefit as Assistant Teacher of a Primary School.

5. Mr. Bhagbat Chaudhuri, learned Advocate appearing for the petitioner submits relying on the decision of a Coordinate Bench of this Court passed in ***Mallika Mahata versus State of West Bengal & Ors. (In Re: WPA 22981 of 2024)*** that the present petitioner is similarly circumstanced as of the petitioner in the earlier writ petition where the notional benefit has been extended to the petitioner from February, 2017. He seeks for similar benefit in favour of the petitioner.
6. Mr. Kaushik Chowdhury, learned Junior Advocate appearing for the respondent, West Bengal Board of Primary Education submits that an appeal has been preferred in case of a similar situation being ***MAT 1896 of 2024 (The West Bengal Board of Primary Education & Ors. V. Soham Roy Chowdhury & Ors.)*** and the matter is pending before the Hon'ble Division Bench. Be that as it may, he leaves the matter to the discretion of Court so far as the prayer of the petitioner is concerned in the present writ petition since the petitioner has been issued appointment letter and he has joined his service.

7. Mr. Ranjan Saha, learned Advocate appearing for the District Primary School Council leaves the matter to the discretion of Court.
8. The petitioner no.1 in the present writ petition stands on the same footing as of the petitioner in WPA 22981 of 2024.
9. Accordingly, the present writ petition is disposed of granting following relief to the petitioner:-
 - i) The service of the petitioner shall be notionally considered from February, 2017. However, actual financial benefits shall not be payable to the petitioner prior to his date of appointment.
 - ii) The petitioner shall also be entitled to notional increments and the length of his service shall be computed from February, 2017.
 - iii) If any increment has been granted to the teacher who joined in February, 2017 until November, 2022, the same shall be made available to the petitioner prospectively from the date of his joining. The salary slip and the pay scale of the petitioner shall be revised accordingly.
 - iv) All arrears from November, 2022 till date shall be paid to the petitioner within a period of eight weeks from the date of communication of this order.
10. Learned advocate for the petitioner is directed to communicate this order to the respondent authorities concerned.

11. With the above direction, the writ petition being **WPA 23031 of 2024** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)