

12-11-2025
Item No.43
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.25272 of 2025

Subhas Chandra Jana

-vs-

The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das ...for the petitioner

Mr. Supriyo Chattopadhyay, AGP
Mr. Sabyasachi Mondal ...for the State

1. The petitioner is continuing to receive 3% additional increment for serving as headmaster in the upgraded section of a school with effect from July 1, 2012 in terms of the notification dated February 10, 2010. He is due to retire from service on February 28, 2026.
2. He apprehends that his papers relating to terminal dues may not be made ready, if the authority takes into consideration the subsequent notification dated March 22, 2017 upon withdrawal of the earlier notification dated February 10, 2010.
3. It has been submitted that till date the petitioner is receiving 3% additional increment and that no steps have been taken by the authority to reduce his scale of pay.
4. The issue of withdrawal of the 2010 notification in the year 2017 was challenged before the Court and the Hon'ble Division Bench in FMA 981 of 2022 with IA No.CAN 1 of 2022 in the matter of

Samarendranath Adak –vs- The State of West Bengal & Ors. was pleased to set aside and quash the impugned notification dated 22nd March 2017.

5. As the subsequent notification dated March 22, 2012 has been set aside and quashed by the Court on January 15, 2024 in WPA No.6217 of 2021, accordingly, the authority would be bound to take steps in terms of the Government Notification dated February 10, 2020.
6. The authorities shall continue to pay 3% additional increment to the petitioner in terms of the fixation made vide memo no.129/CGS dated May 29, 2017. The documents relating to the terminal dues of the petitioner shall be made ready relying on the aforesaid fixation.
7. The writ petition stands disposed of.
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]

