

10.01.2025
Court No. 18
Item No. 01
(**Suwendu**)

WPA 30171 of 2024

Dr. Santanu Deb
-Versus-
State of West Bengal & Ors.

Mr. Kazi Ardan Ali
.....for the petitioner

Mr. Rajarshyi Basu
Mr. A.D. Sarkar
.....for the State respondents

Affidavit of service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition, petitioner
has questioned validity of the order dated 13th
July, 2018 passed by the District Inspector of
Schools (SE), Hooghly whereby prayer of the
petitioner to sanction two additional incremental
benefits for acquiring Ph.D. degree has been
refused.

It is submitted by learned advocate
representing the petitioner that petitioner is
working as an Assistant Teacher in a
Government aided school and obtained Ph.D.

Degree on 3rd September, 2010. In support of such submission reliance is placed on a certificate dated 3rd September, 2010 which is at page 52 of the writ petition wherefrom it appears that petitioner obtained Ph.D. degree in 2009.

Learned advocate representing State respondents opposed the prayer made in the writ petition on the count that ROPA 2009 does not contain provisions conferring right upon teachers to enjoy two additional incremental benefits for acquiring Ph.D. degree though provisions were there in ROPA 1998 under Clause 12(5).

Having considered the submissions made on behalf of the parties and on perusal of the order passed by the concerned District Inspector of Schools on 13th July, 2018, it is found that the said order dated 13th July, 2018 need not be interfered with since the issue of granting two additional incremental benefits for acquiring Ph.D. degree in terms of ROPA 2009 is no more *res integra* in view of the judgment delivered by the Hon'ble Division Bench reported in 2019 (3) CHN (Cal) 221 (State of West Bengal Vs. Chandra Bhusan Dwivedi). It has been succinctly decided by the Hon'ble Division

Bench that *pari materia* provision which contained under Clause 12(5) of ROPA 1998 has not been incorporated in ROPA 2009 as a result whereof incremental benefits cannot be extended to a teacher under ROPA 2009 for acquiring Ph.D. degree.

Hence, the writ petition stands dismissed.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)