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19.05.2025
Ct.18

W.P.A. 29059 of 2023

Mrinal Kanti Dey

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Debolina Chakraborty,
Ms. Pritha Biswas,
Mr. Subhadeep Maitra

....for the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

....for the State.

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

Petitioner by presenting this writ petition,
inter alia, has prayed for sanction of two additional
incremental benefits for acquiring Ph.D degree.
However, petitioner has submitted that convocation
was held on 16th November, 2009 by the university
conferring Ph.D degree upon the petitioner.

ROPA 2009 came into effect from 1st
January, 2006. Prior to that ROPA 1998 was
applicable. In ROPA 1998 though there was
provision to sanction two additional incremental
benefits for acquiring Ph.D degree but in ROPA
2009 there was no *pari materia* provision conferring
right upon a teacher possessing Ph.D degree to
enjoy two additional incremental benefits.

In this regard, reliance is placed on the judgment of the Hon'ble Division Bench dated 5th April, 2019 passed on an intra Court appeal being *FMA 2368 of 2015 (State of West Bengal & Ors. v. Gautam Ghosh & Ors.)*.

In view of the decision of the Hon'ble Division Bench in *Gautam Ghosh* (supra) issue is no more *res integra*.

Hence, no relief can be granted to the petitioner.

The writ petition stands dismissed.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)