

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

30 29.1.2025
Sc Ct. no. 2

WPA 242 OF 2025

Kanteswar Barman

Vs.

The State of West Bengal & Ors.

Mr. Deborshi Dhar

....For the Petitioner

Mr. Subir Kumar Saha, AGP

Ms. Rima Sarkar.

....For the State

Affidavit-of-service, filed today in Court, is taken on record.

Mr. Deborshi Dhar, learned Advocate appears for the petitioner.

Mr. Subir Kumar Saha, learned Additional Government Pleader with Ms. Rima Sarkar appear for the State respondents.

The petitioner claims an additional increment for discharging additional responsibility as the Headmaster of a Higher Secondary School in terms of the notification dated **August 6, 2014, Annexure-P3** at **page 22** to the writ petition.

Mr. Deborshi Dhar, learned Advocate appearing for the petitioner submits that, initially the said notification dated **August 6, 2014** was withdrawn by

the Education Department by virtue of a notification dated **March 22, 2017 at page 25** to this writ petition. He submits that subsequently the said notification dated **March 22, 2017** was set aside by a coordinate Bench and, therefore, the said notification dated **August 6, 2014 at page 22** has regained its force and the same is still in effect. He claims the benefit in terms of the said notification.

Referring to a representation dated **September 17, 2024, Annexure-P9 at page 45** to the writ petition the petitioner submits that, a representation has already been submitted before the respondent no.5 but the same has not yet been disposed of.

In view of the above, the respondent no.5 upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting him an opportunity of hearing shall dispose of the said representation dated **September 17, 2024** by passing a reasoned order in accordance with law.

This exercise shall be carried out and completed by the respondent no.5 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner positively within a period of **one week** from the date of the said reasoned order to be passed.

This Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points he wishes to urge before the respondent no.5 by relying upon whatever records and documents he wishes to rely upon.

In the event the reasoned decision goes in favour of the petitioner, the respondent no.5 and/or any other appropriate State authority shall give an immediate effect thereto including the arrear payable to the petitioner with effect from the date the petitioner started discharging the additional responsibility at the school positively within a period of **four weeks** from the date of the said reasoned order to be passed. The amount shall also be paid within such period. Thereafter the benefit shall continue in favour of the petitioner.

It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his claim before the respondent no.5 strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 242 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Aniruddha Roy, J.)