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(OP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 2150 of 2025

**BIBASWAN BHATTACHARYA
VS.
THE STATE OF WEST BENGAL & ORS.**

Ms. Soma Kar Ghosh, Advocate
Ms. Suparna Paul, Advocate
Ms. Shilpi Ghosh, Advocate

.....for the Petitioner

Mr. Pratik Majumdar, Advocate

.....for the University

Mr. Swapan Kumar Datta, Ld. GP

Mr. Tapas Kumar Dey, Advocate

.....for the State

1. Affidavits filed by the parties and the report filed by the State, be kept with the record.
2. The petitioner's grievance is that in spite of there being a pay protection order by the concerned University and the petitioner being promoted from the post of Senior Assistant in 2010 to the post of Junior Superintendent and Senior Superintendent in 2017 and 2022, respectively, the petitioner has not been given the revised pay.
3. Ms. Kar Ghosh, learned Advocate appearing for the petitioner submits that even though several representations were made and steps taken by the petitioner, who was otherwise eligible, the petitioner's pay scale had never been revised, in spite of such promotion.
4. Only plausible reason for not getting the revision and the same being cited by Mr. Majumdar, learned Advocate appearing for the University, is that in a pending writ-petition, the order whereof was carried in appeal, an interim order had been passed by a Division Bench of this Hon'ble Court directing *status quo* to be maintained in respect of the salary of the petitioner and similarly situated persons.

5. However, Ms. Ghosh hands up a copy of an order dated 25.11.2025, by which the appeal preferred had been withdrawn and the interim order stood vacated.
6. Thus, in the present circumstances, there is no embargo on the University to refix the salary of the petitioner.
7. Mr. Majumdar has, however, placed the only hurdle, that being an audit report of 11.12.2013, which has not been challenged and has attained finality. By the said audit report, it was concluded that the financial benefit extended to 48 employees from 01.06.2012, was irregular and the claims for arrear was not maintainable. Admittedly, the petitioner herein is one of those 48 employees.
8. Mr. Majumdar has further submitted that the University will reassess, revisit and refix the scale of pay of all 48 employees, including the petitioner and upon approval being granted to such rescheduling as afore-stated, from the Department of Higher Education, Government of West Bengal, the University will release/disburse all such payments to the concerned employees, including the petitioner.
9. Mr. Dutta, learned Government Pleader for the State of West Bengal, submits that the onus lies on the University to complete the entire ground work and send the same to the Department of Higher Education, which will then proceed, upon consideration, to accord approval, if otherwise permissible in law.
10. In view of the afore-stated submissions, I direct the University to revisit the pay-scale including enhancement, within a period of 12 weeks from date and to communicate the same to the Principal Secretary, Department of Higher Education within such time.
11. The Principal Secretary will consider the same and

accord approval, in accordance with law, within a period 8 weeks from the date of receipt of such recommendation from the University.

12. I make it clear that the superannuation of the petitioner will not be a ground to refuse any such benefit which he may otherwise be entitled to, upon reassessment by the University.

13. It is understood that if the Department of Higher Education grants necessary approval, the University will disburse the amount to the employees immediately, without any further delay.

14. With the afore-stated directions, **WPA 2150 of 2025 is disposed of.** No order as to costs.

(Reetobroto Kumar Mitra, J.)