

33 **17.04.
2026**
Ct. No. 24

Ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE.**

WPA 7039 of 2026

**Bhaskar Chakraborty
Vs.
The State of West Bengal and others.**

**Mr. Ekramul Bari,
Mr. Sk. Imtiaj Uddin.**

... for the petitioner.

**Mr. Nilatpal Chatterjee,
Mr. Manik Lal De.**

... for the State.

1. The affidavit of service filed today is taken on record.
2. In spite of service, none appears on behalf of the school authorities.
3. The petitioner is the Headmaster of the Manmathapur High School. The petitioner has been denied his increment of three percent along with additional grade pay on the basis of the Memorandum dated March 22, 2017. It is this order denying his entitlement dated January 28, 2026 passed by the respondent no. 2 that has been challenged in this writ petition.
4. The refusal of the entitlement of the petitioner in the impugned order of January 28, 2026 is based on a G.O. No. 292-SL dated March 22, 2017, which withdraws the earlier applicable provisions in terms

of a G.O. No. 1003-SE(S) dated December 4, 2014/ May 18, 2015, which permitted an increment of 3 per cent for any persons officiating as headmaster/headmistress of a High School after February 27, 2009.

5. The impugned order has considered the fact that the government order (G.O.) of March 22, 2017 had been set aside by this Hon'ble Court and held that persons similarly situated as the petitioner would be entitled to the benefit of the additional increment of 3 per cent. The impugned order also proceeds to rely on the Division Bench judgment in the case of Samarendranath Adak vs. The State of West Bengal and Ors., in the case of FMA 981 of 2022 dated January 7, 2025.
6. The impugned order has relied on Ropa 2019 and guiding rules in so far as the petitioner is concerned. On the basis of ROPA- 2019, which does not have any provision in so far as the additional increment payable to headmaster/headmistress is concerned, the decision of Samarendranath Adak (supra) is clear and unequivocal. The Hon'ble Division Bench has in no uncertain terms stated that similarly circumstanced persons cannot be treated differently. It has also been held that the quashing of the memo by the Hon'ble Single Judge operates in rem and not in personam and therefore the benefit of that

judgment should be extended to the said appellant therein.

7. In view of the aforesaid dictum of the Hon'ble Division Bench, there can be no doubt that the provision that ROPA-2009 in so far as the headmaster/headmistress is concerned, with reference to payment of additional increment of 3 per cent is concerned will be applicable to the petitioner as well.
8. In the teeth of the fact that the memo of 2017 has already been set aside and the benefit of such setting aside has been extended to other headmasters/headmistresses, there is no reason why the petitioner, similarly situated as those headmasters/headmistresses should not be entitled to the same benefit.
9. In view of the fact that the said Memo had already been quashed and set aside, the issue raised has been sufficiently settled. The petitioner is, thus, entitled to be increment of three percent along with additional grade pay in terms of ROPA 2009 with effect from the date of upgradation of the school or from the date of appointment of the petitioner as Headmaster, whichever is earlier.
10. With these aforesaid directions, the writ petition is disposed of.
11. There shall, however, be no order as to costs.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)