

24.03.2026.
Item No. 12.
Court No. 652
ap

W.P.A. 13324 of 2025

**Tapas Kumar Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Biswarup Biswas,
Ms. Nupur Chaudhuri.

...For the petitioner.

1. Mr. Biswarup Biswas, learned Advocate for the petitioner is present and submits that the affidavit-in-reply may be taken on record.

2. Let that be taken on record. Photostat copy of the affidavit-in-opposition submitted by Mr. Biswas in Court today is also taken on record.

3. None appears for the respondents at the time of call.

4. The instant writ petition is concerned with the issue of eligibility of the petitioner, the Retired Headmaster of a Higher Secondary School, as to the 3% additional increment along with Grade Pay in accordance with the Rules. Since the law in this regard has already been settled by various decisions of this Court, it is found proper to take up the writ petition for adjudication and disposal today, in absence of the State respondents.

5. The writ petitioner has joined a Higher Secondary School as the Headmaster thereof on and from August 4, 2011. He retired therefrom on April 30, 2025. In the meantime, he has been granted a pay

including 3% additional increment, he being appointed in the said School as Headmaster, which he enjoyed throughout his service career, till the fag end thereof.

6. In accordance with the averments made by the State respondents in the affidavit-in-opposition, since the writ petitioner has been appointed as a Headmaster of the said Higher Secondary School after the cut-off date i.e. January 1, 2006, he would not be eligible for such grant. Accordingly, the writ petitioner's pay was desired to be fixed at a rate excluding 3% additional increment, which was previously allowed to him. The petitioner, being aggrieved for the same, has filed the instant writ petition to seek relief that his pay should be fixed including 3% additional increment irrespective of the cut-off date.

7. Let it be mentioned that the law in this regard is now well-settled through various judgments of this Court. The cut-off date bears no relevance so far as the Headmaster to be eligible for grant of 3% additional increment is concerned. In other words, a Headmaster of the Higher Secondary School if appointed beyond the cut-off date mentioned in the Government Notification i.e. January 1, 2006, shall also be eligible for grant of 3% additional increment, by virtue of his being appointed in the post of Headmaster.

8. Mr. Biswas, learned Advocate for the petitioner has strenuously relied upon a Division Bench judgment of this Court in this regard i.e. March 15,

2021 in M.A.T. 6 of 2020 (Satyajit Ghosh – Vs. – State of West Bengal & Ors.) in which the Court has held as follows:

“.... Apparently that there was no intelligible differentia between the schools that were upgraded prior to February, 2009 and after February, 2009. While the Headmasters of the schools upgraded prior to 27th February, 2009 have been extended with the benefits of 3% increment the basis for not extending the same benefit to Headmasters of schools upgraded after February, 2009 prima facie appears to be discriminatory.”

9. This Court on similar issues has also granted relief to the petitioner in W.P.A. 13336 of 2025 vide order dated February 16, 2026 (Kakali Ray Chakraborty – Vs. – The State of West Bengal & Ors.), by relying on a judgment in the case of **State of Punjab & Ors. – Vs. – Rafiq Masih** reported in **(2015) 4 SCC 334** and **Subir Kumar Ghosh – Vs. – State of West Bengal & Ors.** passed in W.P.A. 6217 of 2021 vide order dated January 15, 2024.

10. The materials on record have shown that the respondent authorities have commented as regards the alleged overdrawn amount of the petitioner on account of having received 3% additional increment i.e. his pay from August 4, 2011 are needed to be reviewed to see if any overdrawn arises.

11. Having perused the materials on record as well as law settled as discussed above, this Court is of the considered opinion that the petitioner being appointed as the Headmaster of a Higher Secondary School, the date of which being irrelevant in the eyes of law,

should be considered as eligible for grant of 3% additional increment from the date of his appointment as the Headmaster in the said School. In this case, the concerned date is August 4, 2011.

12. Hence, the writ petition is allowed directing the respondent authorities to grant the petitioner pay including increment at the rate of 3% along with Grade Pay.

13. Considering the said scale of pay as the last pay drawn by the petitioner, a revised Pension Payment Order be issued in his favour including the said benefit.

14. The above exercise should be completed by the respondent nos.4, 5 and 6 within a period of four weeks from the date of communication of a copy of this order.

15. Arrear pension allowable to the petitioner as per the revised Pension Payment Order be paid to the petitioner within a period of three months from the date of communication of a copy of this order.

16. The writ petition is disposed of with the directions as above.

17. There will be no order as to costs.

18. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)