

WPA 13318 of 2025

Basudev Goswami

Vs.

The State of West Bengal & Ors.

Ms. Nupur Choudhuri
... for the Petitioner

Mr. Sarvesh Chandra Shrivastava
Mr. Harekrishna Halder
... for the State.

1. The writ petitioner had joined as an Assistant Teacher on January 24, 1992. His service has been approved with effect from that date. Initially he has served in one school till February 21, 2006. Later the petitioner has been promoted and transferred to another school (referred to as the 'second school'), where he has joined on February 22, 2006, as the Headmaster.
2. The second school has been upgraded as a higher secondary school with effect from July 01, 2013. The writ petitioner has served at the second school till July 14, 2016. Since from the date of upgradation of the second school as a higher secondary school when the writ petitioner was engaged as a Headmaster, he has been granted the incremental benefit of additional 3%, with effect from the said date of upgradation, that is, July 01, 2013, vide a letter of the Additional District Inspector of Schools (Secondary Education) at Ghatal Paschim Medinipur, dated July 21, 2015.
3. As a Headmaster, the petitioner has been transferred thereafter to another school

(referred to as the 'third school'), on and from July 05, 2016. While serving in the said third school, the petitioner had retired on attaining the age of superannuation, with effect from August 31, 2024. His service as the Headmaster of higher secondary schools was duly approved by the respective appropriate authorities.

4. The petitioner is aggrieved that in spite of allowing him the said benefit, the District Inspector of Schools (Secondary Education) Paschim Medinipur has subsequently directed him to refund the entire amount so received by him pursuant to grant of 3% additional incremental benefit for the period from July 01, 2013 to December 31, 2019 as overdrawn, in order to facilitate the authority for revised fixation of his pay scale in terms of ROPA 2019. The petitioner deposited the alleged overdrawn amount to the tune of Rs. 1,50,612/- as refund of excess salary for the period from July, 2013 to December, 2019 on April 21, 2020.
5. The writ petitioner is further aggrieved that his pension has been fixed without incorporating the component of 3% additional incremental benefit, to his salary, for the period from July 01, 2013 to August 31, 2024, the date of his superannuation. Hence, according to him, his pension has been fixed at a lower grade.
6. Therefore, the instant writ petition has been filed by him to pray for the relief that 3% additional incremental benefit may be granted to him by refixation of pay from the period from

July 01, 2013 to August 31, 2024, his pension may be fixed as per the last pay, including 3% additional incremental benefit and refund of the amount of money submitted by him on account of alleged overdraw of pay.

7. Ms. Nupur Choudhuri, learned advocate for the writ petitioner has submitted that law has taken a final shape and is settled now that date of the person becoming the Headmaster of the school is irrelevant in the context of grant of 3% additional incremental benefit, in so far as the school has been upgraded as a higher secondary school. It has also been submitted that the memorandum withdrawing such benefit has already been set aside by the Court and such decision of this Court is final now. Therefore, in view of the fact that the petitioner's school was upgraded with effect from July 01, 2013, he should be considered as eligible for the said benefit and be allowed with the same, with effect from that date. Instead, the respondent has withdrawn the said benefit from the petitioner on the allegation of that being not admissible to him and overdrawn by him. Such action is not in conformity with the law and also amounts to be arbitrary and illegal, Ms. Choudhury as submitted. She has referred to the following two judgments in this regard:

(i) WPA 13336 of 2025 [Kakali Ray Chakraborty Vs. The State of West Bengal & Ors.] dated February 16, 2026

(ii) **WPA 22276 of 2024 [Md. Rezaul Karim Vs. The State of West Bengal & Ors.]** dated September 04, 2025

8. The State respondent as well as the school authority are represented.
9. In this case practically no material is available to find out any reason as to why after having allowed the writ petitioner the benefit of 3% additional increment, the same has been withdrawn. Hence, firstly such decision of the authority is absolutely unreasoned and unreasonable as well. Thereafter, the Court finds that the issue in dispute in the instant writ petition has already been settled by the earlier judgments of this Court, as suggested by Ms. Choudhury on behalf of the writ petitioner. Therefore, the law is now settled that only the date of upgradation of the school and no other date is relevant for grant of the said benefit to the Headmaster thereof. Furthermore, the notification No. 292 dated March 22, 2017, by dint of which such benefit was withdrawn, has been quashed by this Court.
10. Therefore, no legal or justifiable reason is found for the decision of the respondent authorities to withheld the benefit of 3% additional increment from the writ petitioner, which was once granted to him. On the contrary, in view of the law settled, such decision of the authority appears to be de hors the settle law in this regard. For the reason as above, the decision of the authority to withdraw 3% additional incremental benefit

from the petitioner is found to be unsustainable being illegal. Hence, the present writ petitioner should succeed.

11. The writ petition No. WPA 13318 of 2025 is allowed with the following direction:-

i. The writ petitioner is entitled for grant of 3% additional incremental benefit which has been withheld from him with effect from 01.07.2013.

ii. The respondent No. 4/District Inspector of Schools, Secondary Education, Paschim Medinipur is directed to immediately calculate the revised pay of the writ petitioner with effect from 01.07.2013 by refixation of his scale of pay incorporating the component of 3% additional increment.

iii. The pension shall be calculated as per the pay scale last drawn including the component of 3% additional incremental benefit and by refixation of pension accordingly.

iv. The respondent 6/Director of Pension, Provident Fund and Group Insurance, West Bengal is directed to issue revised Pension Payment Order in favour of the writ petitioner in terms of the revised and refixed pension.

v. The entire exercise as above, should be concluded within a period of four (04) weeks from the date of communication of copy of this order.

vi. Arrear pay and arrear pension, if any, should be disbursed to the writ petitioner within a period of 12 weeks from the date of communication of copy of this order.

vii. Deposit of a sum of Rs. 1,50,612/- vide TR Challan No. 7 by the petitioner on account of deposit of excess salary overdrawn by the petitioner also stands no in conformity with the law as discussed above and hence, is sustainable.

viii. The respondent No. 4, the District Inspector of Schools, Secondary Education, Paschim Medinipur is directed to immediately disburse the said amount to the writ petitioner, maximum within a period of four (04) weeks from the date of communication of copy of this order.

12. Writ petition No. WPA 13318 of 2025 is allowed and disposed of.

13. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)