

22.06.2026
Sl. No.54
Ct. No.14
gd

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

**WPA/14166/2025
DIPIKA MANDAL
VS
STATE OF WEST BENGAL AND ORS.**

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Salini Bhattacharjee
Ms. Brinta Dutta

...for the Petitioner.

Mr. Samrat Mukherjee
Ms. Mary Datta
Ms. Sneha Chatterjee

...for the State.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

...for WBBPE.

1. By the present writ petition, the petitioner seeks direction upon the respondent authorities for notional benefit as Assistant Teacher in Primary School with effect from February, 2017 and consequent release of all service benefits including revision of pay and annual increments by re-fixation of the scale of pay.

2. The petitioner contends that she participated in the recruitment process of the year 2016. The petitioner joined as a Primary School Teacher on the basis of notification dated 24th November, 2022 issued by Chairman, Mursidabad District Primary School Council pursuant to the order passed by this court in **WPA 21683 of 2022 (Rituparna Dutta & Ors. versus The State of West Bengal & Ors.)**. The petitioner seeks for notional benefit

from February, 2017 for notional benefit as Assistant Teacher of a Primary School.

3. Mr. Firdous Samim, learned advocate appearing for the petitioner relying on the decision of a Coordinate Bench of this Court passed in ***Sumitra Saha & Ors. versus State of West Bengal & Ors. (In Re: WPA 28334 of 2023)***, submits that the present petitioner is similarly circumstanced as of the petitioner in the aforesaid writ petition where the notional benefit has been extended to the petitioner from February, 2017. He seeks for similar benefit in favour of the petitioner.
3. Mr. Kaushik Chowdhury, learned Advocate appearing for the respondent, West Bengal Board of Primary Education submits that the petitioner was appointed in terms of the recruitment process initiated in the year 2016 and her name appears under Serial No.91 of the corrected master merit list. An appeal has been preferred in case of a similar situation being ***MAT 1896 of 2024 (The West Bengal Board of Primary Education & Ors. V. Soham Roy Chowdhury & Ors.)*** and the matter is pending before the Hon'ble Division Bench. Be that as it may, he leaves the matter to the discretion of Court so far as the prayer of the petitioner is concerned in the present writ petition since the petitioner has been issued appointment letter and she has joined her service.
4. The petitioner in the present writ petition stands on the same footing as of the petitioner in WPA 28334 of

2023, where notional benefit has been extended to the petitioner therein from February 2017.

5. In line with the above decisions, the present writ petition is disposed of granting following relief to the petitioner:-

i) The service of the petitioner shall be notionally considered from February, 2017. However, actual financial benefits shall not be payable to the petitioner prior to her date of appointment.

ii) The petitioner shall also be entitled to notional increments and the length of her service shall be computed from February, 2017.

iii) If any increment has been granted to the teacher who joined in February, 2017 until November, 2022, the same shall be made available to the petitioner prospectively from the date of her joining. The salary slip and the pay scale of the petitioner shall be revised accordingly.

iv) All arrears from November, 2022 till date shall be paid to the petitioner within a period of eight weeks from the date of communication of this order.

6. Learned advocate for the petitioner is directed to communicate this order to the respondent authorities concerned.

7. With the above direction, the writ petition being **WPA 14166 of 2025** stands disposed of.

8. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

9. Interim order, if any, stands vacated.

10. All connected applications, if any, stand disposed of.
11. There shall be no order as to costs.
12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
13. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)