

23.03.2026
Court No.652
Item No.25
AP

WPA 15422 of 2025

Goutam Kumar Ghosh
Vs.
The State of West Bengal and Ors.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury

... For the Petitioner.

Mr. Swapan Kumar Datta
Mr. Rajat Dutta

... For the State.

1. An order of the Commissioner of School Education, West Bengal dated January 30, 2023 is challenged in this writ petition and the issue involved is whether the writ petitioner would be entitled for 3 percent additional increment and grade pay, upon being appointed as a Head Master of an upgraded school.

2. The petitioner states in the writ petition that he has been granted the said benefit from July 01, 2010, pursuant to upgradation of school to a higher secondary school. However, he has been granted the said benefit till the date of his superannuation, that is, November 30, 2018. The petitioner is aggrieved that, the respondent authority has issued 'pension payment order' in his favour on January 14, 2020, on the basis of his last drawn salary, deducting such 3 percent additional increment. Hence, the writ petitioner has sought for appropriate remedies by filing the instant writ petition.

3. The parties are represented.

4. Mr. Mitra, learned advocate for the petitioner submits that the disputed point in this writ petition is now settled and final. That, in accordance with the same, the writ petitioner would be eligible for the said benefit pursuant to upgradation of the school, and such benefit once advanced to him, cannot be curtailed at the time of his superannuation. The Court finds force in submissions of Mr. Mitra, learned advocate. Similar issue as involved in the instant writ petition has been earlier dealt with and decided by this Court in the case of ***Kakali Ray Chakraborty Vs. The State of West Bengal & Ors. (WPA 13336 of 2025)*** vide order dated 16th February, 2026 and in the case of ***Dibyendu Sundar Ray Vs. The State of West Bengal & Ors. (WPA 18216 of 2019)*** vide order dated **21st June, 2024**. The above propositions of law, having been held therein and finally settled now, stand as binding.

5. Also, in the case of ***Kakali Ray Chakraborty (supra)*** this Court has taken into consideration the previous orders passed in this regard, in Paragraph 5 thereof, which may be quoted as hereunder:-

“Mr. Jana, learned advocate who has represented the writ petitioner, has submitted that, Court’s earlier verdict has settled the issue as involved in the instant case. In this regard, Mr. Jana has referred to the judgment of this Court in ***Subir Kumar Ghosh Vs. State of West Bengal***

and Others dated January 15, 2024 in WPA 6217 of 2021 and **Md. Rezaul Karim Vs. The State of West Bengal and Others** dated September 04, 2025 in WPA 22276 of 2024. Apart from this, Mr. Jana, learned advocate has also relied on a Division Bench judgment of this Court dated December 03, 2024 in MAT 1002 of 2022 **(The State of West Bengal and Another Vs. Sri Kali 3 Sadhan Bhattacharjee @ Bhattacharyya & Ors.)**”

6. Further it is to be noticed that by issuance of a notification No. 91/LS/RO-1C/723/LS/2017 dated March 20, 2025 issued by the Commissioner of School Education, the said order of this Court has been duly given effect to.

7. Considering the circumstances as discussed above, this Court is of considered opinion that pursuant to the ratio already decided this writ petition is also to be allowed by setting aside the impugned order of the Commissioner of School Education as mentioned above.

8. Hence, this writ petition being WPA 15422 of 2025 is allowed directing as follows:-

(i) The impugned order dated January 30, 2023 passed by the Commissioner of School Education, West Bengal is set aside;

(ii) The petitioner is entitled to pay including 3 percent additional increment, with effect from July 01, 2010; and also to pension as per last salary

drawn inclusive of the said benefit with effect from the date of his superannuation;

(iii) The respondent No.5 shall take all appropriate steps for re-fixation of pay as well as pension of the writ petitioner in accordance with the direction as above, within a period of four (04) weeks from the date of communication of this order;

(iv) The respondent Nos.3 and 4 are directed to take all consequent steps for release of arrear amount of pay and pension in favour of the writ petitioner including the revised 'pension payment order', in terms of direction as above, within a period of three (03) months from the date of receipt of copy of this order.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)