

01.04.2026
Sl. No.14(DL)
Ct. No.14
AN

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

W.P.A. No. 15545 of 2025

Md. Saad

Versus

The State of West Bengal & Ors.

Mr. Ekramul Bari,
Sk. Imtiaz Uddin
Mr. Alam Uddin Ahmed

...for the Petitioner.

Mr. Pinaki Dhole
Mr. Alok Banerjee

...for the State.

Ms. Sabita Roy

...for the U.O.I.

1. Report filed by the State furnished by the District Inspector of Schools (S.E.), Malda dated 18th March, 2026 is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to grant benefit of increment @ 3% of existing basic pay (pay in the pay band plus grade pay) in addition to the grade pay or additional grade pay as admissible in light of the Revision of Pay and Allowance Rules, 2009 (in short ROPA 2009) to the petitioner and release the arrear salary as well as the current salary after re-fixation.
3. The petitioner was initially appointed as an Assistant Teacher in Batna I.M.O. High School with effect from 1st August, 1997 and his appointment was accordingly

approved. Subsequent thereto, the petitioner participated in the selection process for the post of Head Master and his name was accordingly recommended by the School Service Commission for appointment as a Head Master of a Madrasah with effect from 5th June, 2007. The petitioner joined Battala Adarsha High Madrasah (H.S). After upgradation of the Madrasah, the additional incremental benefit for higher responsibilities has been given to the petitioner with effect from 1st July, 2009 and pay fixation under different ROPA has also been done by the authority. However, suddenly, on 22nd March, 2017, the concerned authority issued Government Order/Memorandum No. 292-SL/5S-294/12 by bringing rectification of pay of the Headmasters of Higher Secondary Schools upgraded after 27th February, 2009. Such notification is arbitrary and erroneous. The petitioner accordingly claims for one time increment @ 3% of the sum of the pay in the pay band over existing and additional grade pay over fixation. Hence, this writ petition.

4. Mr. Ekramul Bari, learned Senior Advocate appearing for the petitioner submits that the issue has been settled by the learned Single Bench in *WPA 23867 of 2017 [Kanchiram Sarkar & ors. vs. State of West Bengal & ors.]* wherein the Hon'ble Court was pleased to set aside the impugned Memorandum dated 22nd March, 2017 and granted additional 3% increment to the petitioner. The petitioner is similarly circumstanced as

of the petitioner in the earlier writ petition and as such similar benefit be extended to the petitioner.

5. Mr. Dhole, learned advocate representing the State submits that the State is agreeable to extend such benefit subject to giving undertaking to the extent that the petitioner will refund the money if the Government in future as a matter of policy ask him to return the money along with similarly placed Head Masters.
6. In reply, Mr. Bari, learned senior advocate appearing for the petitioner submits that such undertaking is uncalled for in view of the decision of the learned Single Bench.
7. It is not in dispute that the petitioner is similarly circumstanced as that of the writ petitioner in *Kanchiram Sarkar (surpa)*. Therefore, the petitioner is entitled to the benefit of additional 3% increment as prayed for in the instant writ petition.
8. In view of the above, respondent no. 4, the District Inspector of Schools (S.E.), Malda is directed to grant the benefit of additional 3% increment in favour of the petitioner within a period of 8 weeks from the date of communication of this order.
9. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 4, the District Inspector of Schools (S.E.), Malda for necessary compliance.
10. With the above direction, the writ petition being **WPA 15545 of 2025** stands disposed of.

11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted,
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. 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.)