

16-01-2026
Item No.10
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.21833 of 2025

Abul Hassan Seikh

-vs-

The State of West Bengal & Ors.

Mr. Ujjal Ray

Ms. Atreya Chakraborty ...for the petitioner

Mr. Bhaskar Prasad Vaisya, AGP

Mr. Mrinal Kanti Ghosh

Mr. Kartik Ch. Kapas ...for the State

Ms. Koyeli Bhattacharyya

Mr. Bibek Dutta ...for the Board

Mr. K.K. Bandyopadhyay

...for WBCSCC

1. The petitioner seeks notional benefit. He was recommended for appointment in a school but when the petitioner went to the school for joining, it revealed that the post in which he was recommended was earmarked for another subject. The petitioner sought for further recommendation which was issued at a later date.
2. The process of recommendation consumed some time. The first recommendation being made on November 11, 2024 and the second one on January 9, 2025. The petitioner joined the school on January 21, 2025.
3. Grievance of the petitioner is that had the recommendation been made in proper time and the petitioner could have joined the school prior to January 2025, he would have been entitled to an increment in July 2025. As the petitioner joined in January 21, 2025, he lost the

opportunity to get the increment.

4. The petitioner submits that such delay in his appointment was in no way attributable to him. Accordingly, he should not be deprived of the increment.
5. A similar issue came up for consideration before this Court; and vide order dated August 8, 2025 passed by the Hon'ble Division Bench in MAT No.1247 of 2025 with CAN No.1 of 2025 (Saktipada Pradhan -vs- The State of West Bengal & Ors.), this Court was pleased to hold that equity regards that justice should be done. Balancing the equities among the parties, the Court opined that the incremental benefits cannot be scuttled and the deficiency in service towards grant of incremental benefit needs to be condoned. Such condonation would have no regard to other service related benefits including the seniority. The date of appointment of the candidate shall remain the same. The Court directed the State to grant incremental benefit as specified under Rule 10 of the notification dated December 13, 2019 of the West Bengal Revision of Pay and Allowances Rules 2019.
6. In view of the binding precedent of the Hon'ble Division Bench, the instant writ petition is disposed of by directing the State to grant the petitioner the incremental benefit which he is entitled to in terms of the above Rule at the earliest.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]