

10-02-2026
Item No.31
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.26262 of 2022

Brajagopal Samanta

-vs-

The State of West Bengal & Ors.

Mr. Aninda Bhattacharya ...for the petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee ...for the State

1. The prayer of the petitioner for grant of two additional increments in his favour stood rejected relying on the Government Order No.37-SE/ES(S)/5P-37/2010 dated January 5, 2012 and on the grounds of applicability of the provisions of the West Bengal Schools (Control of Expenditure) Act, 2005 and Rule 12(5) of G.O. No.25-SE(B)/1M-102/98 dated February 12, 1999.
2. The Additional Director (Accounts) SE, Barrackpore held that the additional increments were not admissible as the convocation date, that is, December 24, 2005, was beyond the cut-off date of August 18, 2005.
3. Be it recorded that the District Inspector of Schools (SE), Barrackpore considered the prayer of

the petitioner for grant of two additional increments and allowed the same in terms of ROPA 1998.

4. Vide judgment and order dated July 4, 2012 passed in **WP No. 4532 (W) of 2012 (Chowdhury Moniruzzaman -vs- The State of West Bengal & Ors.)**, the Court was pleased to set aside the Government Order dated January 5, 2012 clearly recording that the ban imposed on the grant of incremental benefit to the teachers who acquired Ph.D degree after August 18, 2005 cannot be retained on record.
5. In view of setting aside of the Government Order relied upon by the Additional Director of (Accounts), the authority cannot disallow the prayer of the petitioner for grant of additional increment. The DI of Schools rightly allowed the prayer for increment in favour of the petitioner.
6. Therefore, the impugned order of the Additional Director (Accounts) dated September 19, 2019 cannot be allowed to stand and is, accordingly, set aside.
7. The respondent authorities are directed to take steps in terms of the Office Memorandum of the DI of Schools (SE), Barrackpore dated December 7, 2015 at the earliest but positively within a

period of twelve weeks from the date of communication of this order.

8. The writ petition is disposed of accordingly.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]