

28.04.2026
327
Ct.No.24
Susanta

WPA 26447 of 2025

Girindra Nath Das
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das,
Ms. Sudipta Pramanik,
...for the Petitioner.
Ms. Mohuya Dutta Biswas,
...for the State.

1. Affidavit-of-service filed in Court today is taken record.
2. Ms. Mohuya Dutta Biswas, learned advocate, who usually appears for the State was present in Court and had been requested to take this matter and take appropriate instruction. She is present and appearing for the State. Let her appointment be regularized.
3. The petitioner is a retired Headmaster. He received 3% additional increment in accordance with the Government Notifications dated 10th February, 2010 and 4th December, 2014 for imparting higher secondary education. The pay of the petitioner was fixed accordingly.
4. At the time of his retirement, the petitioner was directed to refund the amount overdrawn by him in view of the withdrawal of the 2014 notification by the State Government by a subsequent notification dated 22nd March, 2017.

5. The issue of withdrawal of the 2014 notification in the year 2017 was challenged before the Court and the Hon'ble Division Bench on 7th January, 2025 in FMA 981 of 2022 with IA No. CAN 1 of 2022 in the matter of Samarendranath Adak -vs- The State of West Bengal & Ors. was pleased to set aside and quash the impugned notification dated 22nd March, 2017.

6. The Hon'ble Division Bench was pleased to hold that the teacher would be entitled to grant of 3% additional increment in terms of ROPA 2009 with effect from the date of appointment as Headmaster or from the date of upgradation of the school, whichever is earlier.

7. On setting aside of the 2017 notification by which the petitioner was found to be drawing excess amount, the right of the petitioner to receive 3% additional increment in terms of the 2014 notification revived.

8. The instant writ petition is disposed of by directing the District Inspector of Schools (S.E.), Nadia to act in terms of the re-fixation of the pay of the petitioner made on 1st November, 2023 and revised Pension Payment Order shall be issued by the Director of Pension and Provident Fund and Group Insurance.

9. The authority shall disburse the arrears of the petitioner in terms of the said re-fixation.

10. Steps shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order. All payments shall be made positively within a period of four months from the date of re-fixation.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Reetobroto Kumar Mitra, J.)