

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27440 of 2025

Santwana Sen Sarma
-vs-
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Ms. Sudipta Pramanik
... For the petitioner

Mr. Joydip Banerjee
Ms. Susnita Saha
... For the State

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner alleges that the 3% additional increment which she was receiving on account of her joining the upgraded school in terms of the approval of the concerned District Inspector of Schools was suddenly stopped on and from the month of November, 2019 without disclosing any reason.
3. The petitioner relies upon the order passed by the Court wherein the order of the Joint Secretary vide Memo No.292-SE dated 22nd March, 2017 stood set aside vide order dated 15th January, 2024 passed in WPA 6217 of 2021 (Subir Kumar Ghosh v. The State of West Bengal & Ors.).

4. Prayer has been made to direct the respondents to release the additional increment which the petitioner is entitled to receive.

5. Learned advocate representing the State respondents relies on the communication made by the District Inspector of Schools (Secondary Education), Kolkata which mentions that in view of Memo No.292-SE dated 22nd March, 2017 issued by the Joint Secretary to the Government of West Bengal, additional increment in favour of the Headmaster/Headmistress of higher secondary schools upgraded after 27th February, 2009 is not admissible.

6. It has been submitted that as the petitioner was appointed as the Headmistress of the high school on 23rd September, 2009 and the said school was upgraded to the higher secondary section on 16th July, 2014, the petitioner would not be entitled to receive the 3% additional increment.

7. On perusal of the documents annexed to the writ petition and particularly the order dated 15th January, 2024 passed in the matter of Subir Kumar Ghosh (supra), it appears that the memo relied upon by the respondent authority in disallowing the 3% additional increment to the petitioner has been set aside by the Court. The authority cannot rely upon any Government Order which does not have any existence on being set aside by the Court.

8. The instant writ petition stands disposed of with the observation that it will be open for the petitioner to file a representation seeking release of additional increment annexing the order(s) passed by this Court from time to time.

9. In the event such a representation is made, the same shall be considered by the Commissioner of School Education, Government of West Bengal with regard to the payment of additional increment to the petitioner strictly in line with the law laid down by the Court in the matter of Subir Kumar Ghosh (*supra*) at the earliest but positively within a period of eight weeks from the date of filing the representation.

10. All consequential steps shall be taken by the concerned respondent authorities in the event the petitioner's prayer is allowed.

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

12. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)