

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27470 of 2025

Kaberi Chatterjee
v.
The State of West Bengal & Ors.

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

Mr. Santanu Chatterjee
Mr. Arindam Mitra
... For the State

1. Affidavit of service filed in Court today is taken on record.

2. Instruction filed by the learned advocate for the State is also taken on record.

3. The petitioner is receiving 3% additional increment for serving as Headmistress in the upgraded section of a school with effect from July 1, 2013 in terms of the notification dated February 10, 2010. She is due to retire from service on December 31, 2026.

4. She apprehends that her papers relating to terminal dues may not be made ready, if the authority takes into consideration the subsequent notification dated March 22, 2017 upon withdrawal of the earlier notification dated February 10, 2010.

5. It has been submitted that till date the petitioner is receiving 3% additional increment and that no steps have been taken by the authority to reduce her scale of pay.

6. The issue of withdrawal of the 2010 notification in the year 2017 was challenged before the Court and the Hon'ble Division Bench 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.

7. As the subsequent notification dated March 22, 2017 has been set aside and quashed by the Court on January 15, 2024 in WPA No.6217 of 2021, accordingly, the authority cannot rely upon the said notification to disallow the additional increment which the petitioner is receiving till date. The authority would be bound to take steps in terms of the Government Notification dated February 10, 2010.

8. The authorities shall continue to pay 3% additional increment to the petitioner in terms of the fixation made vide memo no.1386/GA dated October 27, 2014. The documents relating to the terminal dues of the petitioner shall be made ready relying on the aforesaid fixation.

9. The writ petition stands disposed of.

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

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

(Amrita Sinha, J.)