

S/L 12
25.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 29069 of 2025

Amitava Pahari

Vs.

The State of West Bengal & Ors.

Mr. Sourav Mitra

Ms. Sreyasree Choudhury

...for the Petitioner.

Mr. Asish Kumar Guha

Mr. Sanjib Das

...for the State.

1. Affidavit of service filed by the petitioner in Court today be kept with the records.

2. The petitioner is a retired Headmaster. He received 3% additional increment in accordance with the Government Notification dated 10th February, 2010 for imparting higher secondary education. The pay of the petitioner was fixed accordingly.

3. Just prior to his retirement, the petitioner was directed to refund the amount overdrawn by his in view of the withdrawal of the 2014 notification by the State Government by a subsequent notification dated 22nd March, 2017.

4. The petitioner refunded the amount which was found to be withdrawn by him in excess.

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. As the petitioner already refunded the amount found to be in excess of his entitlement immediately prior to his retirement, accordingly, the amount refunded by the petitioner is required to be returned to him.

9. The instant writ petition is disposed of by directing the District Inspector of Schools (S.E.), Jhargram to act in terms of the re-fixation of the pay of the petitioner made on January 20, 2015 and revised Pension Payment Order shall be issued by the Director of Pension and Provident Fund and Group Insurance.

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

refunded by the petitioner on account of overdrawn, shall also be returned to him.

11. Steps shall be taken in the matter at the earliest but positively within a period of twelve 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 refixation.

12. The writ petition stands disposed of.

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

(Amrita Sinha, J.)