28 **10.04. 2026**

Ct. No. 24

Ab

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE.

WPA 6420 of 2026

Salil Kumar Pani
Vs.
The State of West Bengal and others.

Mr. K. M. Hossain,
Ms. Tanuja Basak,
Ms. Esha Basak.
... for the petitioner.

Mr. Tapas Kumar Roy.
... for the State.

1. The affidavit of service filed today is taken on record.
2. The petitioner has been working as an Assistant Teacher since 1994 and upon participation in the selection process was successful and was recommended for the post of Headmaster in one Parsuli Jhareswar Junior High School with effect from October 17, 2001.
3. The said school was upgraded as a High School in the year 2005 and as Higher Secondary Schools in 2009. The appointment of the petitioner was approved on permanent basis.
4. The petitioner's contention is that there was no higher secondary stream in the said school at the time of his joining and the same introduced subsequently under Memo dated July 25, 2009.
5. In view thereof, the petitioner had been entitled to and he was duly recommended for grant of three

percent additional increment with additional grade pay in terms of G.O. No. 181-SE(B)/5B-1/09 dated October 8, 2009 for higher responsibilities by a Memo dated May 30, 2011.

6. The petitioner had thereafter participated in the selection process for the post of Headmaster and was recommended to be the Headmaster of the Nabasan Tustu Charan High School (HS) with effect from July 1, 2011.

7. The petitioner had all along been receiving an additional increment of three percent as recommended. However, by Memo No. 292-SL/5S-294/12 dated March 22, 2017, the Government directed the concerned District Inspector of Schools (SE) for rectification of pay of the Headmaster of Higher Secondary School upgraded after February 27, 2009. It is this Memo of March 22, 2017, which was the principal ground of grievance of the petitioner.

8. As it appears from a copy of the judgment relied upon by the petitioner passed by this Hon'ble Court in WPA 6217 of 2021 (Subir Kumar Ghosh vs. The state of West Bengal & Ors.) dated January 15, 2024, the Memo of March 22, 2017 has now been set aside and there is no impediment for the petitioner's pay scale to be revised in terms of the ROPa-2019. The petitioner is admittedly entitled to

three percent increment in view of the afore-stated decision and, particularly in view of the fact that the Memo of March 22, 2017 has been set aside.

9. In view of the afore-stated, the concerned District Inspector of Schools (SE) is directed to re-fix the pay scale of the petitioner in terms of ROPA- 2019 along the additional increment of three percent, as applicable to the petitioner since 2019 being the last date payment of his increment as received by the petitioner.
10. In terms of the afore-stated observations and directions, the the writ petition is disposed of.
11. There shall, however, be no order as to costs.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)