

17.07.2026
Sl. No.9
Ct. No.14
ss

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

W.P.A. No.18676 of 2025

**Rakesh Mondal
Versus
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta
Mr. Saikat Sutradhar
Ms. Suryatapa Das
... for the petitioner

Mr. Brijendra Pratap Singh
Mr. Asit Kumar De
... for the State

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for the WBBPE

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks direction upon the respondent authorities for grant of notional benefit in favour of the petitioner with effect from February, 2017.
3. The petitioner contends that he participated in TET, 2014. Initially, the petitioner was not declared successful. However, after awarding of six marks pursuant to order passed by a Coordinate Bench of this Hon'ble Court in *Rakesh Mondal & ors. -versus- The State of West Bengal & Ors. (In re: WPA 20995 of 2022)*, the petitioner was declared successful. The candidature of the petitioner was considered in recruitment process of 2016 and appointment was given on 24th November, 2022. Some of the candidates have been given

appointment from February, 2017. The petitioner claims that notional benefit be granted to the petitioner with effect from February, 2017.

4. Mr. Sudipta Dasgupta, learned Advocate appearing on behalf of the petitioner submits that similarly circumstanced petitioners in *Noor Alam & ors. -versus- The State of West Bengal & ors. (In Re : WPA 20621 of 2024)* have been granted notional benefits from February, 2017. As such, the petitioner should be extended similar benefit. Reliance has also been placed on the order passed in *Masidul Haque & ors. -versus- The State of West Bengal & ors. (In Re: WPA 22152 of 2024)* along with one other writ petition.
5. Mr. Ratul Biswas, learned Advocate representing the West Bengal Board of Primary Education submits that the decision of the Co-ordinate Bench of the Hon'ble Court in *Soham Roy Choudhury & Ors. versus State of West Bengal & Ors. (In Re: WPA 5505 of 2022)* is under challenge. However, he leaves the matter to the discretion of this Court.
6. Mr. Brijendra Pratap Singh, learned Advocate representing the State also submits in the similar fashion.
7. Indisputably, the petitioner stands on the same footing as of the petitioners in *Noor Alam (supra)* where the notional benefit was extended to the petitioners therein from February, 2017.
8. In view of the above, the concerned authorities are directed as follows:

- (i) To fix the pay of the petitioner granting notional benefits from February, 2017.
 - (ii) On upward fixation of pay of the petitioner by granting notional benefits, payment shall be made from the date of appointment of the petitioner. If any increment has been given to the teachers who joined in February, 2017 till November, 2022 the same shall be made available to the petitioner prospectively from the date of his joining. The salary slip and the pay scale of the petitioner shall be revised accordingly.
 - (iii) It is clarified that the petitioner will not be entitled to monetary benefits from February, 2017.
 - (iv) The petitioner shall also be entitled to the notional increments and the length of his service shall be calculated from February, 2017.
 - (v) Arrears, if any, from November, 2022 till date shall be paid to the petitioner.
9. The Commissioner of School Education is directed to pass formal order on completion of aforesaid exercise within a period of twelve weeks from the date of communication of this order.
10. Learned Advocate for the petitioner is directed to communicate this order to respondent Commissioner of School Education, Government of West Bengal, respondent no.2 for necessary compliance.

11. With the above directions, the writ petition being **WPA 18676 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)