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Court No.24
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20027 of 2026

Nivedita Das (Nag)
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
... For the Petitioner

Ms. Soma Chakraborty
Mr. Samrat Ghose ... For the State

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

2. The petitioner is a retired Headmistress. She 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. At the time of her retirement, the petitioner was directed to refund the amount overdrawn by her in view of the withdrawal of the 2010 notification by the State Government by a subsequent notification dated 22nd March, 2017.

4. Apprehending that she will not get her terminal dues in proper time, the petitioner refunded the amount which was found to be withdrawn by her after 2017.

5. The issue of withdrawal of the 2010 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/ Headmistress 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 2010 notification revived.

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

9. The instant writ petition is disposed of by directing the District Inspector of Schools (SE), Hooghly to act in terms of the refixation of the pay of the petitioner made on 1st October, 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 refixation. The amount refunded by the petitioner on account of overdrawn, shall also be returned to her.

11. Steps shall be taken in the matter at the earliest but positively within a period of eight 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. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

14. Certified server copy of this order, if applied for, be supplied to the parties on compliance of all requisite formalities.

(Amrita Sinha, J.)