

SL.9
March 17, 2021.
MNS

**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri**

WPA 588 of 2019

(Through Video Conference)

**Swapan Kumar Rakshit and another
Vs.
State of West Bengal and others**

Mr. Joyjit Chowdhury,
Mr. Ajay Singhal

...petitioners.

Mr. Subir Kumar Saha,
Mr. Bikramaditya Ghosh

...for the State-respondents.

Mr. Rohit Agarwal

... for the respondent no.3

The grievance of the petitioners is that, in view of the retirement age of the posts which the petitioners are holding, being Deputy Registrar of the University of North Bengal and the Secretary of the Council for Under-Graduates Studies respectively, having been extended to 65 years, the petitioners ought to be given the benefit of the notification dated February 24, 2021 which extends the retirement age to 65 years.

It appears from the affidavit-in-opposition filed by the University today, which may be kept on record, that the University has taken a neutral stand, leaving it at the discretion of the State.

The affidavit-in-opposition filed by the State-respondents indicates that the notification existing at the juncture of filing of such affidavit-in-opposition did not apply to the posts which the petitioners are holding.

However, learned counsel for the petitioners hands over a copy of the notification dated February 24, 2021, which was published after the filing of the affidavit-in-opposition of the State-respondents, which provides that the benefit of extension of retirement age to 65 years is applicable to the petitioners as well.

In such view of the matter, WPA 588 of 2019 is disposed of with the observation that the petitioners' retirement age shall be 65 years and/or in terms of any other notification issued by the State Government, which may be published subsequently but prior to the attainment of retirement age of the petitioners,

which will be given effect to by the University of North Bengal, that is, the respondent no.3.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)