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Ct. 24
30.11.2022
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 12421 of 2021

Smriti Bhattacharya

-versus-

State of West Bengal & Ors.

With

W.P.A 15711 of 2010

Secretary, Mangloi Radharani Girls' High School (H.S.)
& Ors.

-versus-

State of West Bengal & Ors.

With

W.P.A 226 of 2012

With

CAN 1 of 2012, CAN 2 of 2014, CAN 3 of 2018

With

Secretary, Managing Committee, Mangloi Radharani
Girls' High School (H.S.) & Ors.

Smriti Bhattacharya

-versus-

State of West Bengal & Ors.

With

WPA 32016 of 2008

With

CAN 1 of 2010

Smriti Bhattacharya

-versus-

State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.

Mr. Raju Bhattacharyya

Mr. Arunava Maity

Mr. Sachindranath Mishra

Mr. Tanweer J. Mondal

...For the Petitioners

Mr. Biswaranjan Bhakat

...For the respondent no. 12
(in WPA 12421 of 2021)

...For the respondent no. 13
(in WPA 32016 of 2008)

Mr. Asish Kumar Guha

Mr. Naren Ghosh Dastidar

.....For the State respondents

(in WPA 12421 of 2021, WPA
15711 of 2010, WPA 226 of
2012)

Mr. Santanu Kr. Mitra

...For the WBBSE
(in WPA 226 of 2012)

Learned Senior Advocate representing the petitioner submits that W.P.A 15711 of 2010, W.P.A 226 of 2012 & WPA 32016 of 2008 have become infructuous due to efflux of time.

The petitioner was a teaching staff of Mangloi Radharani Girls' High School (H.S.). She retired from service on attaining her normal age of superannuation on 31st August, 2018. When the petitioner was in service, there was certain disputes. She preferred writ petitions before this Court and series of writ petitions, filed by her, are pending disposal. At this stage, as the petitioner has already retired, she prays for a direction upon the respondent authority to release her terminal benefits.

Report has been filed by the District Inspector of Schools, Secondary Education, wherein it has been mentioned that the petitioner opted for joining the contributory provident fund cum gratuity scheme on 30th December, 1985 and a sum of Rs. 4,90,927/- has been paid to her in December, 2020 on account of her contributory provident fund dues. It has been admitted that the petitioner will be entitled to receive her gratuity which has not been paid as yet.

Prayer has been made by the learned counsel appearing on behalf of the petitioner that she may be permitted to switch over from the contributory provident fund scheme to the pension cum gratuity scheme.

As the petitioner has already retired from service and there is no document available on record in the office of the respondents that the petitioner ever applied

for switching over from the contributory provident fund scheme to the general provident fund scheme, accordingly, the prayer of the petitioner for switch over to the GPF scheme, at this stage, cannot be allowed.

The District Inspector of Schools, Secondary Education, Purba Medinipur is directed to take prompt necessary steps to ensure that the terminal benefits of the petitioner including her gratuity is disbursed in her favour in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

The petitioner shall be intimated the formalities to be complied by her for receiving the balance terminal dues. The petitioner and the School is directed to render all necessary cooperation with the District Inspector of Schools, Secondary Education, Purba Medinipur for complying the direction passed hereinabove.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)