

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 1076 of 2022
(Via Video Conference)**

**Banabihari Paria
-versus
The State of West Bengal & Ors.**

**Ms. Sabita Khutia (Bhunya).
...For the Petitioner.**

**Mr. Ranjan Saha.
...For DPSC,
Paschim Medinipur**

**Ms. Mitali Mukherjee.
...For the State.**

The petitioner is a retired primary school teacher. His pension file could not be processed as the leave obtained by the petitioner for 978 days have not been sanctioned by the District Primary School Council, Paschim Medinipur.

The District Inspector of Schools (P.E.), Paschim Medinipur by a reasoned order dated 24th December, 2020 disposed of the prayer of the petitioner for grant of pensionary benefit by observing that as the leave has not been sanctioned from the competent authority, the pension file of the petitioner cannot be processed. The District Inspector of Schools (P.E.) requested the Chairman of the District Primary School Council, Paschim Medinipur to take necessary steps for sanctioning the leave.

The reasoned order further mentions that after receiving the sanction of leave from the competent authority, the District Inspector of Schools (P.E.), Paschim Medinipur being the Pension Sanctioning Authority will issue necessary instructions to the Sub-Inspector of Schools, Anandapur circle for the preparation of e-pension file in favour of the petitioner.

The grievance of the petitioner is that in spite of specific request made by the District Inspector of Schools (P.E.), no steps have been taken by the Chairman of the District Primary School Council, Paschim Medinipur to regularise/sanction the leave of the petitioner.

Learned advocate appearing for the Council is not ready with proper instructions in the matter.

As it appears that the District Inspector of Schools (P.E.) has already forwarded his request to the Chairman of the Council to take steps for sanction/regularise the leave of the petitioner, accordingly, the instant writ petition is disposed of by directing the respondent No. 5 being the Chairman, Paschim Medinipur District Primary School Council to take necessary steps pursuant to the direction passed in the reasoned order of the District Inspector of Schools (P.E.), Paschim Medinipur vide Memo No. 801(3)/P dated 24th December, 2020 at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The Chairman, Paschim Medinipur District Primary School Council shall pass a reasoned order

and communicate the same to the petitioner immediately thereafter.

The Chairman, Paschim Medinipur District Primary School Council shall also communicate the decision to the District Inspector of Schools (P.E.), Paschim Medinipur for taking necessary consequential steps in the matter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)