

15.03.2022
Item No.206
Ct. No.17
S.A.

W.P.A. 1544 of 2022

Srikanta Kumar Jana
-vs-
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
... for the petitioner
Mr. Supriyo Chattopadhyay
Mr. Suman Dey
...for the State

The petitioner's qualifying service is sort for one day which is above six months as the Government can condone the delay up to six months and not above that.

I find from the order of the Principal Secretary that the order of the High Court by virtue of which the petitioner got appointment after recasting the panel on 10.03.2011 and it appears from page 39 paragraph (ii) that the District Inspector of Schools (Secondary Education, Hooghly) complied with the direction of High Court nearly after 4 months i.e. on 14.07.2011. Thereafter, the school issued the appointment letter to the petitioner on 29.07.2011 i.e. after 15 days from the date of memo of the said District Inspector of Schools and the petitioner joined the school on 03.08.2011.

It is to be kept in mind that the petitioner came before this Court for recasting of the panel and his

appointment. Had the decision of the District Inspector been taken within a reasonable period of time which is, in my view, not more than 30 days. The petitioner could have worked for more than 4 months and the question mark on his qualified service for pension would not have arisen. But the works of bureaucrats in snail's pace came in the way of getting the pensionary benefit of the qualifying service of the teacher/petitioner who is not responsible for the bureaucrats delay. The delay was not due to the petitioner.

Hence, I quashed and set aside the order of the Principal Secretary, Education Department dated 28.12.2021 which is annexure P-6 and direct the authority concerned that is the Principal Secretary to consider that it is not at all the petitioner's fault for which he could not complete the 10 years service period.

On the basis of the above observations, the Principal Secretary of School Education Department will take a fresh decision and will communicate to the petitioner within a period of two months from the date of Commission of the order.

With the above direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)