

Item No.29

15.02.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 9631 of 2021
Sri Basudeb Purkait
v.
The State of West Bengal & Ors.

Mr. Satyajit Mandal
Mr. Amar Nath Sen
Mr. Ratul Ghosh
... for the petitioner.

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
... for the State respondents.

The reasoned order dated February 5, 2021 passed by the Commissioner of School Education allegedly in compliance of the direction passed by this Court on September 14, 2020 in WP 6665(W) of 2020 (Basudeb Purkait v. The State of West Bengal & Ors.) is impugned in the present writ petition.

By the said impugned order the prayer of the petitioner for getting pension has been turned down on the ground that the petitioner could not complete ten years' continuous service to get pension as per the DCRB Scheme, 1981.

The petitioner joined service on June 6, 2011 and he retired on attaining his normal age of superannuation on December 31, 2019.

The grievance of the petitioner is that had the respondent authorities issued the appointment letter in his favour in proper time, there would not have been any shortfall in his qualifying service period.

The name of the petitioner was empanelled for appointment in February 2020 but the appointment letter could not be issued in the absence of proper verification of the documents of the petitioner. There was some anomaly in the name of his father. The respondent authorities verified the same and it is only after verification that the appointment letter was issued in his favour.

According to the DCRB Scheme, 1981 at least ten years of qualifying service is required for being eligible for pension. Admittedly, there is a shortfall in the qualifying service of the petitioner.

The delay in issuing the appointment letter in favour of the petitioner cannot be made solely attributable to the respondents. It was the duty and the responsibility of the respondent authorities to verify all the testimonials/credentials of the petitioner prior to issuance of the letter of appointment.

As the name of the father of the petitioner was erroneously recorded in some of the documents relied upon by the petitioner, accordingly, the respondents took time to verify the same. The delay caused in issuing

the letter of appointment in favour of the petitioner cannot come to the aid of the petitioner for availing the benefit of pension as per the DCRB Scheme, 1981.

No provision in the DCRB Scheme, 1981 has been shown before this Court permitting condonation of shortfall in service for more than six months.

In a similar issued the Court decided that the shortfall of above six months ought not to be condoned by the Court in the absence of any law supporting the same (Judgment dated 23.12.2021 in WPA 2310 of 2020 Dinesh Mondal –vs- The State of West Bengal & Ors.).

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)