

Item No. 89

20.05.2022  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side

WPA 8179 of 2022  
Bikash Chandra Adhikary  
v.  
The State of West Bengal & Ors.

Mr. Ekramul Bari  
Mr. Sk. Intiaj uddin  
Mr. Satyajit Senapati  
... for the petitioner.

Mr. Pinaki Dhole  
Ms. Kakali Samajpati  
... for the State.

Mr. Gaurav Das  
... for DPSC, South 24-Parganas.

The petitioner is a retired primary school teacher. Pension Payment Order was issued in his favour wherein it has been mentioned that his qualifying service period is nine years eleven months and seven days.

The petitioner failed to attain the minimum qualifying service period of ten years.

The petitioner relies upon the judgment delivered by this Court on December 23, 2021 in WPA 2306 of 2020 ( Sajan Kumar Mondal v. The State of West Bengal & Ors.), wherein the Court observed that in view of the law settled by the Court there is no other option left before the State respondents but to condone the shortfall of six months in calculating the pensionable

service period of a teacher. The order passed in the matter of Sajan Kumar Mondal (supra) has been acted upon by the State respondents.

The petitioner submits that the same benefit may be extended in his case.

As it appears that the issue in question has already been decided by the Court, accordingly the writ petition is disposed of by directing the respondent no. 6 being the Principal Secretary to the Government of West Bengal, School Education Department to consider the prayer of the petitioner for condoning his shortfall in the qualifying service period in the light of the judgment delivered by the Court in Sajan Kumar Mondal (supra).

A decision shall be taken by the aforesaid respondent at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

Fresh PPO will be issued in favour of the petitioner after the order is passed by the aforesaid respondent.

The petitioner is directed to serve a copy of the judgment passed by this Court in the matter of Sajan Kumar Mondal (supra) to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

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.)**