

10-08-2022
ct no. 13
Sl. 35
sp

WPA 9178 of 2022

Nirmal Kumar Das

-Versus-

State of West Bengal & Ors.

**Mrs. Usha Maiti,
Ms. Anita Khatri,
Mr. Sakya Maity**

.....for the petitioner

**Mr. Supriya Chattopadhyay,
Mr. Suman Dey**

...for the State

Affidavit of service filed in Court today is taken on record.

The petitioner is aggrieved by an order of the DPPG dated December 30, 2021, by which the petitioner was found to have 8 years, 11 months and 25 days of service and hence was not qualified to receive pension.

The petitioner has retired from Naikundi Arya Mission Junior High School, Purba Medinipur, on July 31, 2021. The said school had applied for recognition to the West Bengal Board of Secondary Education and an inspection was held by the District Level Inspection Team (DLIT) on November 7, 1998. The petitioner was found to be working in the concerned school as a “clerk” from January 2,

1998. The school was granted recognition by the Board with effect from August 7, 2012. The petitioner's service was approved in the school by the District Inspector of Schools with effect from August 7, 2012, i.e., date of recognition of the school.

Placing reliance on the decision of the **Saradindu Jana Vs. State of West Bengal** and others, passed by this Court in **WPA 7825 of 2022 on June 20, 2022**, counsel for the petitioner submits that the delay by the Board in granting recognition on August 7, 2012, despite DLIT report dated November 7, 1998, cannot be attributed to the petitioner.

The school itself had to approach the High Court, which had directed to consider the school's case for recognition in terms of the order dated April 30, 2012, passed in **AST 106 of 2011, arising out of WP No. 18709 (W) of 2010**.

Applying the principles in the case of **Saradindu Jana decision (supra)** and the case of **Kartick Chandra Das Vs. State of West Bengal and others** reported in **(2014) 4 WBLR (Cal) 273**, referred to in the said decision, this Court is inclined to condone the one year and

one month of deficiency of qualifying service of the petitioner. He shall be entitled to pension from the date of retirement. He shall also be entitled to arrears of pension with interest @6% per annum from the date of retirement till date.

The school and the D.I. of Schools, shall forthwith prepare the pension paper of the petitioner for being uploaded on e-Pension portal of the State. The petitioner shall extend all cooperation in that regard.

The D.I. of Schools shall, after scrutinizing all records of the petitioner from the school in question, forward the recommendation to the DPPG, within a month from date. The DPPG in turn, shall issue PPO and release arrears as well as current pension to the petitioner as indicated above, within a period of two months from date.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

