

10.08.2022
Court No.13
Item No.36
AP

WPA 9194 of 2022

**Sri Akhil Nayak
Vs.
State of West Bengal and Ors.**

Ms. Anita Khatri
Mr. Sakya Maity

... For the Petitioner.

Mr. Shamim Ul Bari

... For the State.

The petitioner is aggrieved by an order dated 12th May 2009 declining pension to him. The petitioner's qualifying service was found to be seven years and nine months.

Counsel for the petitioner has argued that as per the order dated 20th June 2022 passed in the case ***Saradindu Jana Vs. State of West Bengal and Ors.*** in ***WPA 7825 of 2022*** and in the case of ***Kartick Chandra Das Vs. State of West Bengal and Ors.*** reported in ***(2014) 4 WBLR (Cal) 273*** the petitioner ought not to be penalised due to the failure of the respondent authorities to grant recognition and/or approval to the petitioner's school.

Even if we consider the same, the tenure of service of the petitioner from the date of DLIT inspection till his retirement would still fall short of the requisite qualifying service.

Let affidavit-in-opposition be filed within a period of four weeks from date; reply, if any, be filed within a period of two weeks thereafter.

Liberty to mention for hearing after completion of the pleadings.

(Rajasekhar Mantha, J.)