

24. 08. 2022

BP
ML 70
Court No. 17

WPA 11533 of 2022

Biswajit Basu
Vs.
The State of West Bengal & Ors.

Mr. Tanoy Chakraborty
Mr. Chhandak Dutta
..for the petitioner

Mr. Prantik Garai
Mr. Bipin Ghosh
..for the State

Affidavit of service filed in court today be kept on record.

The petitioner after serving the primary school for nine years eight months five days i.e. two months less than the ten years of service retired on 30.04.2014. It appears from Annexure P-9 of the writ application (page 29) that the District Inspector of Schools (Primary Education), Howrah sent a letter to the Commissioner of School Education for condonation of deficiency period of two months as was prayed by the petitioner. Till date nothing has been done.

I direct the Commissioner of School Education to take immediate steps within a period of two months after giving an opportunity of hearing to the petitioner and also to the District Inspector of Schools and the

Headmaster of the concerned school and to pass a reasoned order within a period of two weeks after said two months period and communicate the same to the petitioner. In terms of the Government Scheme namely, the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981 in paragraph 7 e(iv) it appears that the petitioner may be given the benefit of condonation as he is below six months deficiency. The petitioner shall have the liberty to be represented by his advocate and the Commissioner of School Education will take into account the said provision for condonation as has been noted above.

The petitioner is directed to communicate this order forthwith to the Commissioner of School Education and also to the District Inspector of Schools and also to the Headmaster of the primary school.

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

(Abhijit Gangopadhyay, J.)

