

14. 02 . 2022

BP
Sl. 42
Court No. 17

WPA 14287 of 2021

(Via Video Conference)

Sohini Bhattacharyya
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Ms. Dipa Acharyya
..for the petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha
..for the State.

Mr. Himadri Chakraborty
Mr. Debapriyo Biswas
..for the School Authority.

Ms. Koyeli Bhattacharyya
..for the Board.

The West Bengal Board of Secondary Education through its letter bearing memo no. D.S(Aca)/85/V/12 dated 01.02.2022 has approved the voluntary retirement of the petitioner namely Sohini Bhattacharyya, Assistant Teacher, Howrah Binodini Balika Vidyabhaban, Howrah with effect from 19.04.2021. The petitioner has no objection to such approval of voluntary retirement with effect from

19.04.2021.

Therefore, the last day of the petitioner's attendance in the school should be 18.04.2021. She is retired voluntarily with effect from 19.04.2021. A copy of the letter of the West Bengal Board of Secondary Education is kept with the record.

The petitioner has worked in the school till 31st January, 2022. However, she voluntarily wants to refund the entire amount of money received by her from 19th April, 2021 to 31st January, 2022 upto which date she attended the school and got the salary therefor. The petitioner has submitted that the entire amount of money which is to be refunded by her can be deducted from the gratuity amount to be paid to her. It can also be deducted from other pensionary benefits of the petitioner.

After hearing the submissions of the parties including Mr. Bhaskar Prasad Vaisya, learned advocate for the concerned District Inspector of Schools, I direct the concerned District Inspector of Schools to take steps according to the observations made above on the basis of the submissions of the parties and to see that the pensionary benefits are paid to the petitioner by three months from the date of communication of this order after necessary deduction as submitted by the learned advocate for the petitioner. However, it is made

clear that if it is possible for the District Inspector of Schools and the Directorate of Pension Provident Fund and Group Insurance to pay the retiral dues to the petitioner before the said three months they should do so before the expiry of the said three months.

With the above observation and with the reasonable approach of the party respondents, this writ application is disposed of as allowed.

(Abhijit Gangopadhyay, J.)

