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31.03
2022
Ct. No.17

WPA 18875 of 2021

Kamala Kanta Maity
Vs.
The State of W. B. & Ors.

Mr. Ekramul Bari
Mr. S. S. Mondal
Sk. Imtiaz Uddin
.....For the Petitioner
Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
.....For the State

This is an application filed by one retired school teacher whose case was considered by the District Inspector of Schools in his reasoned order dated 19.02.2021 in compliance with an order passed by this court dated 14.12.2020 in WPA 9640 of 2020. In the said reasoned order passed by the District Inspector of Schools in paragraph 4 at page 50 it has been stated that if the approval of appointment was issued at the first time with effect from 01.05.1991 instead of 01.10.1993 the writ petitioner could complete B. Ed. within five years.

Now, this approval of appointment from 01.05.1991 is a result of a writ application wherein the order was passed by the court in 1999. So, in the year when the writ application was filed or when the order was passed, it was not known to the petitioner

whether he would get the order from the court favouring him for giving the approval of service on 01.05.1999. Therefore, the question raised by the Deputy Director of Audit that he failed to complete the B. Ed. Degree within five years from 1991, in my view is absurd. He has completed his B. Ed. Degree within five years from 1993 when he was given the approval, To be precise the approval was given on 09.12.1993 by the District Inspector of Schools as appears from the list of dates filed as I directed the State to file affidavit along with a list of dates which has been neatly done. I really got assistance from the list of dates. Therefore, in my view, there should not be any dispute that the petitioner obtained his training qualification within five years from the date of approval that is 1993. Therefore, the objection raised by the Deputy Director of Audit is overruled and the petitioner's case is to be considered in view of the observation as aforesaid by the Director of Pension, Provident Fund and Group Insurance being the Respondent No.6. As the petitioner has retired in 2019, his pensionary benefit is to be given within a period of two months from date.

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

(Abhijit Gangopadhyay, J.)

