

31.08.2022
Court No.13
Item No.259
AP

WPA 11848 of 2020

Aparna Ghosh

-Versus-

The State of West Bengal & Ors.

Mr. Prahlad Chandra Ghosh

Mr. Swapan Kumar Chatterjee

.....for the petitioner.

Mr. Supriya Chattopadhyay,

Mr. Suman Dey

...for the State.

Mr. Saibal Acharyya

Mr. Subir Hazra

...for the Respondent No.5.

Affidavit of service along with supplementary affidavit filed by the petitioner in Court today are taken on record.

The petitioner is aggrieved by non-consideration of the representation dated 29.09.2020, by which the petitioner prayed for condonation of the shortfall of 1 month 10 days of qualifying service for pension.

The petitioner has retired from service from Sahapur Girls' Junior High School, Malda, on 24.09.2021. 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 28.09.2002. The petitioner was found to be

working in the concerned school as an Assistant Teacher from 02.05.1990. The school was granted recognition by the Board with effect from 04.11.2011. The petitioner's service was approved in the school by the District Inspector of Schools with effect from 04.11.2011, i.e., date of recognition of the school.

Placing reliance on the decision of **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 04.11.2011, despite DLIT report dated 28.09.2002, cannot be attributed to the petitioner.

The DCRB scheme of the State itself provides for condonation of short fall of a few months in the 10 years minimum of qualifying service for pension.

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 month and ten days of deficiency of qualifying service of the

petitioner. She shall be entitled to pension from the date of retirement. She 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 papers of the petitioner for being uploaded on the 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 Director of Pension Provident Fund and Gratuity (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.)

