

05
01.03.2022
d.p.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**W.P.A 1772 of 2021
(Via Video Conference)**

**Shami Chakraborty
-versus
State of West Bengal & Ors.**

**Mr. Ajoy Kumar Singhania.
...For the Petitioner.**

**Mr. Hirak Barman,
Ms. Bedashruti Bose.
...For the State.**

The petitioner was appointed as an assistant teacher of Shishu Mahal Primary School, Jalpaiguri on 31st July, 1981 and she joined the school on 3rd August, 1981.

By an Office Memorandum dated 2nd February, 1985 the District Inspector of School accorded approval of appointment of the petitioner on and from her date of joining i.e. on and from 3rd August, 1981.

The Deputy Secretary, Education Department, Primary Branch by a communication dated 29th January, 1988 intimated the Director of School Education, Primary Unit regarding the approval of appointment of teachers of the said school. The communication mentions that eight teachers who have already been appointed in the existing vacancies be given salaries from the government fund with effect

from 1st January, 1988 subject to certain terms and conditions as mentioned in the letter.

In the said communication, it was clearly mentioned that the School Education Directorate, however, approved the appointment of four teachers only, who were appointed against the normal vacancies.

The petitioner happens to be one of those four teachers who were appointed against the normal vacancy.

The grievance of the petitioner is that after her retirement on 31st December, 2019, the respondent authorities did not release her terminal dues.

The petitioner relies upon orders passed by this Court in writ petitions filed by similarly circumstanced teachers of the same school, wherein the Court directed the respondents to release the terminal benefits of the teachers from their respective date of appointment. The petitioner prays that similar benefit be extended in her case.

Learned advocate representing the State respondents submits, upon instructions, that the petitioner joined the school on 3rd August, 1981 and her service was approved on and from 3rd August, 1981 by the District Inspector of Schools (Primary Education), Jalpaiguri vide Memo No. 102/1(6) dated 2nd February, 1985. After her retirement on 31st December, 2019, her pension papers were forwarded to the accounts section for considering her service from her actual date of joining, that is, 3rd August, 1981. The same was, however, returned with an objection. The pension papers of the petitioner were resubmitted to

the accounts department on 10th March, 2021 but the same was again returned back with certain objections regarding her Grade Pay.

The District Inspector of Schools, thereafter, communicated the entire matter to the DSE, Law Cell for guidance, vide memo dated 17th September, 2021.

It appears from the submissions made on behalf of both the parties that there is no dispute with regard to the date of joining and the date of approval of appointment of the petitioner. The District Inspector of Schools approved the appointment of the petitioner from 3rd August, 1981 and, accordingly, the petitioner will be entitled to all her terminal benefits with effect from her date of joining. There is no reason to discriminate the petitioner from the other similarly circumstanced teachers whose terminal benefits have been disbursed from their date of initial joining in the year 1981.

In view of the above, the instant writ petition is disposed of by directing the respondent nos. 2, 5 and 6 being the District Inspector of Schools (P.E.), Jalpaiguri, the Commissioner, Directorate of School Education, West Bengal and the Deputy Director, Directorate of Pension, Provident Fund and Group Insurance respectively to take necessary steps to prepare the pension documents of the petitioner and disburse the terminal benefits of the petitioner on and from her initial date of joining, that is, 3rd August, 1981 at the earliest, but positively within a period of four months from the date of communication of a copy of this order.

The Commissioner of School Education being the respondent no. 5 herein shall ensure that the terminal

benefits of the petitioner is positively disbursed within the aforesaid time limit.

The writ petition stands disposed of.

The instruction given by the District Inspector of Schools, (Primary Education), Jalpaiguri to the learned advocate representing the State be retained with the record.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)