

11.12.2023  
Court No. 13  
Item No. 230  
AP

**WPA 20240 of 2017**

**Smritikona Das (Samanta) and Ors.  
Vs.  
The State of West Bengal and Ors.**

Ms. Tuli Das Maiti  
Ms. Namita Basu  
Mr. Pradip Ghosh

... ... for the Petitioners.

Mr. Vimal Kr. Shahi  
Mr. Vijay Agarwal

... ... for the State.

Mr. Ratul Biswas  
Mr. Kaushik Chowdhury

... ... for the DPSC, Howrah.

1. Leave is granted to advocate-on-record of the petitioners to correct the cause title.
2. The petitioners were all empanelled after successful recruitment to the post of Assistant Teacher in the primary level under the District Primary School Council, Howrah.
3. The circle-wise selection process was interfered with and the panel that was directed to be prepared was district-wise.
4. The petitioners finally received the letters of appointment on 15<sup>th</sup> May, 2012. They all superannuated from service by 2016. Therefore, they did not technically fulfill the qualifying period of 10 years for pension.

5. The issue came for consideration before a Single Bench in WP 9802 (W) of 2015 (Sumohan Mondal & Ors. Vs. The State of West Bengal and Ors.). By an order dated 31<sup>st</sup> August, 2018 the appointment of the petitioners therein, who are similarly situated as the writ petitioners herein, was directed to be treated from the date of preparation of panel district-wise i.e. from 1996 purely on a national basis.

6. The said order dated 31<sup>st</sup> August, 2018 was confirmed by a Division Bench in MAT 1211 of 2019 (State of West Bengal and Ors. Vs. Sumohan Mondal and Ors.) by a judgement and/or order dated 11<sup>th</sup> April, 2022. This was done to ensure that the writ petitioners therein received pensionary benefits.

7. In these circumstances, the appointment of the petitioners shall be notionally treated from the year 1996. However, for the purpose of pension, PPO shall be issued on the basis of the last drawn pay only of the writ petitioners and each of them.

8. It is expected that the concerned DPPG issues PPO within a period of one month from date and pay pension immediately thereafter. All arrears of pension based on the above directions, shall be paid to the writ petitioners within a period of three months from date.

9. With the aforesaid directions, the writ petition is disposed of.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**