

W.P.A. 21154 of 2023

**Dr. Partha Sarathi Bose
Vs.
The State of West Bengal & Ors.**

Mr. Dinendra Nath Chatterjee
Mr. Ram Krishna Biswas
Mr. Prafulla Pal
Mr. Santanu Mondal

....for the petitioner

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Payel Shome
Ms. Mohona Das

...for the respondent nos. 4 and 5

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey

...for the State

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

The writ petition is taken out seeking release of pensionary benefits upon issuance of no liability certificate by the school authority of Barajaguli Gopal Academy, District-Nadia (hereinafter referred to as the “said school”), being respondent nos. 4 and 5.

Mr. Dinendra Nath Chatterjee, learned advocate representing the petitioner submits that petitioner was appointed as an assistant teacher of the said school on 4th October, 1989 and rendered his service for a long period of time and ultimately retired on 31st January, 2023 on superannuation. During the tenure of the

petitioner he was appointed as the headmaster of the said school.

It is also submitted that all the formalities relating to issuance of Pension Payment Order is complete by the concerned State-respondents but the Pension Payment Order has ultimately not been issued since the authorities are awaiting no liability certificate to be issued by the said school authority. In support of the case made out in this writ petition attention of this Court has been drawn to the resolution dated 28th January, 2023 of the Managing Committee of the said school wherefrom it appears that the Managing Committee unanimously decided to process the pension case of the petitioner with care and expedition since the petitioner was to retire on 31st January, 2023.

Petitioner prays for issuance of no liability certificate which would facilitate release of all pensionary benefits upon compliance of requirement in view of the letter issued by the present teacher-in-charge dated 4th April, 2023 addressed to the District Inspector of Schools (SE), Krishnanagar, Nadia wherein it has been intimated to the concerned District Inspector of schools that certain documents are required to be signed by the petitioner.

State-respondents are represented by Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader who submits that the process relating to calculation of pension and settlement of retiral dues is complete but

due to want of no liability certificate financial benefits till date could not be disbursed.

Mr. Firdous Samim, learned advocate represents the said school authority who submits that certain documents are yet to be signed by the petitioner which ultimately prevented the school authority to issue no liability certificate in the same breath it has also been submitted that if the requirement as communicated by the said school authority to the concerned District Inspector of Schools vide letter dated 4th April, 2023 which is at page 21 of the writ petition is complied with, there is no difficulty in issuing no liability certificate in favour of the petitioner.

Having considered the contentions raised on behalf of the parties this Court directs the petitioner as well as teacher-in-charge of the said school being respondent no. 4 to attend the office of District Inspector of Schools (SE), Krishnanagar on 14th December, 2023 at 12 noon for putting signature on certain documents as stipulated in the letter dated 4th April, 2023 of the teacher-in-Charge. After completion of the aforesaid exercise the said school authority being respondent nos. 4 and 5 is directed to issue no liability certificate in favour of the petitioner by 18th December, 2023. On issuance of no liability certificate State-respondents are directed to issue Pension Payment Order in favour of the petitioner within a fortnight thereafter in order to ensure that the financial

benefits would reach the petitioner within 4 (four) weeks thereafter.

With the aforesaid directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)