

Sl No.53
28.02.2023.
SB-II

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

**WPA 377 of 2023
Samiran Chandra Debnath
-versus
The State of West Bengal & Ors.**

Mr. Narendra Nath Das
Mr. Pragyadip Roy Basunia
Mr. Pratyush Adhikary
Ms. Binapani Singha
Mr. Gobinda Roy
Mr. Prakash Chandra Barman
... for the petitioner.

Mr. Subir Kumar Saha
Mr. Momenur Rahman
... for the State.

Mr. Amales Ray
Mr. Debarshi Dhar
... for the respondent no. 6.

The petitioner's prayer for counting his past service for grant of pensionary benefits is pending consideration before the District Primary School Council, Cooch Behar. The petitioner relies upon the Memo No. 951-F (Pen) dated July 19, 1995 in support of his prayer.

Learned advocate representing the State respondents submits, upon instruction that, the memo relied upon by the petitioner will not be applicable in his case.

Be that as it may, it appears that the prayer of the petitioner is pending consideration before the Secretary of the Council, accordingly, without going into the merits of the prayer at this stage, the Court thinks it fit to direct the Secretary of the District Primary School

Council, Cooch Behar to take a decision with regard to the prayer of the petitioner for counting his past service for grant of pensionary benefits in accordance with law, relying on the relevant Government memos, circulars, guidelines applicable in the field and to pass a reasoned order in the matter. The reasoned order shall be communicated to the petitioner immediately thereafter.

The prayer of the petitioner shall be considered positively within a period of eight weeks from the date of communication of this order.

The aforesaid respondent may grant an opportunity of hearing to the petitioner for production of necessary documents in support of his prayer, if required.

The learned advocate for the petitioner is directed to forward a copy of the letter dated December 26, 2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

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

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(Amrita Sinha, J.)