

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

W.P.A. 1774 of 2022

**Sri Swapan Kumar Ghosh
-Vs-
The State of West Bengal & Ors.**

Mr. Nabankur Paul.
.....for the petitioner.
Mr. Hirak Barman,
Mr. Momenur Rahman.
.....for the State.

Mr. Paul, learned Advocate for the petitioner files affidavit in terms of the order dated January 03, 2023, which is taken on record.

The petitioner was an Assistant Teacher of a secondary school and on superannuation, he was retired from his service on January 31, 2021.

The petitioner is complaining that his pensionary benefit has not been disbursed till date.

A report on the issue in the form of affidavit was called for from the District Inspector of Schools(S.E.), Siliguri, the respondent no. 5 herein vide order dated July 14, 2022, such report has been filed.

It appears from the said report that the petitioner since did not complete his training qualification i.e. Bachelor of Education within two years from the date of approval of

his appointment which was the condition of such approval, he is not entitled to the benefit of pension.

Mr. Paul, learned Advocate for the petitioner draws my attention to the Memo No. 52/G/S dated January 21, 2020 annexed with the writ petition being Annexure 'P-5' whereby the increment of the petitioner which was stopped earlier was allowed in terms of the Memo No. 759/SE(s)/2P-1/09 dated July 30, 2009 by extending the time to acquire the training qualification up to the year 2012.

The petitioner obtained his training qualification in the year 2007.

It further appears from the record that the respondent no. 5 by his letter bearing Memo No. 868/G/S dated June 06, 2006 advised the petitioner to get the training qualification in lieu of training in Work Education subject.

The conduct of the respondents suggests that they permitted the petitioner to obtain the training qualification beyond the period specified in the letter of approval of his appointment, therefore, it will be unjust to deny the benefit of pension to the

petitioner on the ground of delay in securing the said training qualification.

The respondent authorities, the respondent nos. 3 and 4 in particular are, therefore, directed to disburse the benefit of pension and other admissible retiral benefits to the petitioner as expeditiously as possible, preferably within a period of three months from the date of communication of this order.

W.P.A. 1774 of 2022 is thus disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)