

Item-1.	19-04-2024	RVW 22 of 2024 CAN 1 of 2024 CAN 2 of 2024
sg	Ct. 8	Lourdu Sebasteen @ L. SEbasteen Versus The State of West Bengal & Ors.

Mr. Rudra Prasad, Adv.
...for the appellant
Mrs. Tapati Samanta, Adv.
...for the State

1. Mrs. Tapati Samanta, learned Counsel appearing on behalf of the State respondents has placed a communication dated 18th April, 2024 from the District Inspector of Schools (S.E.), Paschim Bardhaman. The District Inspector of Schools, on verification of the records, was of the opinion that the writ petitioner exercised option form beyond the period of three months from the date of publication of the notification.
2. It appears from the communication from the Secretary, St. Joseph's High School to the Additional District Inceptor of Schools (S.E.) dated 9th September, 2014 that the Headmaster of the School exercised option on 4th September, 2014, however, the Secretary has signed the letter on 17th September, 2014. The option form duly signed by the Secretary on 17th September, 2014 was also considered. In the option form the Headmaster did not put any date. The date was left blank. The communication of the Secretary shows that he had exercised his option on 4th September, 2014.
3. Merely by reason of not putting any date in the option form by the Headmaster, in our view, would not disentitle him for

the benefit of switching over of pension from CPF to GPF as the Secretary of the School has clearly stated that he has exercised his option on 4th September, 2014. If the Headmaster had any other intention of manipulating the record, he could have ante-dated his option by filling up the document that was forwarded by the Secretary on 17th September, 2014.

4. In the facts and circumstances of the case, we are of the view that the declaration of the Headmaster with regard to exercise of option by the Headmaster should be taken as correct and the authorities must proceed on that basis.
5. The aforesaid documents were not available before the learned Single Judge and hence, the learned Single Judge proceeded on the basis that option was not exercised within the period of three months.
6. Initially, we affirmed the judgment of the learned Single Judge. However, having regard to the disclosures made in the review application, we allow the prayer of the writ petitioner/application and direct the authorities concerned to allow the conversion to pension from CPF to GPF from the date of refund of government share of CPF with interest up-to-date.
7. The authorities shall process only after the entire amount with interest towards Government share of CPF is refunded with interest. On refunding the entire amount with interest, the authorities concerned shall allow conversion to pension from CPF to GPF within two weeks from date upon compliance of all formalities.

8. The application for review, is allowed.
9. The petitioner however, shall not be entitled with interest from the date of exercising option till the amount is refunded with interest.
10. The review petition being RVW 22 of 2024 along with the applications are accordingly, disposed of.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)