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09.07.2024
Court No. 25
D.Hira

WPA 428 of 2016

**Silpa Bandyopadhyay
Vs.
State of West Bengal & Ors.**

**Mr. Bikash Ranjan Bhattacharyya,
Senior Counsel,**

**Mr. Samim Ahammed,
Mr. Arka Maiti,
Mr. Aniruddha Singh,
Mr. S. Bhattacharyya,
Mr. Gulsanwara Pervin,
Ms. Ambiya Khatoon.**

... for the petitioner

Ms. Nadeem Sulaiman.

... for the Madrasah Board

The matter has been listed at the instance of the writ petitioner.

Mr. Maiti, learned counsel appearing for the writ petitioner has pointed out to two relevant facts, which this Court considers necessary to be incorporated in the judgment dated July 5, 2024, of this Court.

Hence, let there be an order directing paragraph 43 to be deleted from the judgment as above and incorporation instead, of the following:-

“43. Therefore, writ petition being WPA 428 of 2016 is allowed with the following directions:-

- (i) Memorandum No. 2013-F(P) dated March 6, 2012 is hereby set aside, being in conflict with the Act of 1994 and the Regulations of 2015.**
- (ii) Memo no. 6501-F(P) dated August 31, 2015 is hereby set aside.**

- (iii) The impugned letter from the Secretary West Bengal Board of Madrasah Education dated October 7, 2015 to the writ petitioner is set aside.**
- (iv) Impugned endorsement in the service book of the writ petitioner dated December 2, 2015 is hereby set aside.**
- (v) Since the writ petitioner has already retired during pendency of this case on September 30, 2023, there would not be any scope for her to join in the duty any further. Under such circumstances, the respondent authority is directed to immediately release to her, the entire arrear service and retirement benefits as stand due to her, since from the period of her absence.**
- (vi) The Pension Payment Order be immediately issued upon fixation of pension.**
- (vii) Pension be released forthwith after issuance of Pension Payment Order.”**

This order forms part and parcel of this Court's earlier judgment dated July 5, 2024.

(Rai Chattopadhyay, J.)