

WPA 4176 of 2022

**Goutam Dey alias Goutam Chandra De
vs.
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta
Mr. Arka Nandi
Ms. Dipa Acharyya
Ms. Shalini Ghosh
.....for the petitioner

Mr. H.S. Chakraborty
Mr. K.M. Hossain
.....for the State

The grievance of the petitioner is failure on the part of the concerned respondent authorities to sanction retiral benefits after his superannuation on 31st May, 2023.

Mr. Dasgupta, learned advocate representing the petitioner submits that though petitioner joined the post of Assistant Teacher in a Government aided high school in the year 2015 and retired on 31st May, 2023 but if appropriate steps would have been taken by the respondent authorities after petitioner's participation in 12th RLST 2011 then the petitioner would have been appointed in the post of Assistant Teacher on an anterior date which would have made the petitioner entitled to receive retiral benefits including pension. According to the petitioner it is the failure on the part of the concerned respondent authorities to appoint him at the appropriate time on being selected in the selection process called 12th RLST 2011 resulting in the qualifying service of the petitioner fell short of 10 years, as a result

whereof petitioner was found not eligible to receive pensionary benefits.

Mr. Hossain, learned advocate representing the State-respondents has opposed the prayer couched in this writ petition on the ground that the petitioner joined the post of Assistant Teacher in the year 2015 and retired on 31st May, 2023, therefore the length of the service of the petitioner was precisely 8 years which does not make him entitled to claim pension. In addition thereto it is also urged before this Court that petitioner made delay in approaching the Court for adjudication of the issue relating to accrual of his right for being appointed in the post of Assistant Teacher though he was appointed in 2015 but the writ petition has been filed in the year 2022.

Having considered the rival submissions made on behalf of the parties this Court grants leave to the petitioner to file a comprehensive representation to the Secretary, School Education Department, Government of West Bengal, being the respondent No. 1 within a period of fortnight from date. If, such representation is made within the aforesaid time the respondent No. 1 shall take decision in accordance with law by passing reasoned order within 12 weeks from the date of receipt of such representation after granting opportunity of hearing to the petitioner. Needless to record that petitioner shall be at leave to rely upon the relevant orders passed by the

Court on identical issue before the respondent No. 1 at the time of consideration of the issue. The decision to be taken by the respondent No. 1 shall be communicated to the petitioner within one week thereafter.

With the aforesaid directions the writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)