

24.05.2024.
Court No.13
Item No. 32
ap

R.V.W. No. 150 of 2024
With
I.A. No. CAN 1 of 2024
And
I.A. No. CAN 2 of 2024

Uma Bhaumik Basu
Versus
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das.

...For the petitioner.

Mrs. Rama Halder,
Mr. Sabyasachi Bhattacharjee.

...For the State.

Re: CAN 1 of 2024 (Sec.5)

1. This is an application filed under Section 5 of the Limitation Act, 1963 for condonation of delay of about 45 days in filing the review application.
2. Having heard the learned Advocate appearing on behalf of the petitioner, as also considering the statements made in the said application, this Court is satisfied with the grounds indicated therein, as sufficiently explaining delay of 45 days in preferring the review application.
3. The application for condonation of delay being CAN 1 of 2024 is, thus, allowed and disposed of.
4. There will, however, be no order as to costs.

Re: R.V.W. No. 150 of 2024

1. Review is sought of the order dated 8th February, 2024 passed by this Court in W.P.A. No. 1068 of 2024.

2. The principal ground for review is that as on the date of the said order neither the petitioner nor the State had a copy of the Memo No.77-SE/P dated 6th February, 2024 issued by the Deputy Director of School Education (E/P) of the Government of West Bengal.

3. By the said Memo, the Deputy Director of School Education (E/P) has informed the District Inspector of Schools (PE), Dakshin Dinajpur that a Senior Training Examination Certificate issued by the Director of Public Instructions is equivalent to a Junior Basic Training Certificate for the purpose of recognizing an Assistant Teacher in the Primary Section of West Bengal Board of Primary Education as a Trained Teacher.

4. In view of the above, the writ petitioner would be entitled to "A" Category Pay Scale from the date of her appointment. She would, therefore, consequently be entitled to "A" Category Pay Scale, as per her last drawn pay in such Category also for the purpose of pension.

5. In those circumstances, the order dated 8th February, 2024 is reviewed and recalled.

6. Let District Inspector of Schools (PE), Dakshin Dinajpur communicate within a period of ten days the last drawn pay and the calculation and other entitlements of the petitioner to the Director of

Pension, Provident Fund and Group Insurance, West Bengal mandatorily and positively.

7. Based on the above communication of the District Inspector of Schools (PE), Dakshin Dinajpur, the Director of Pension, Provident Fund and Group Insurance, West Bengal shall issue Pension Payment Order and pay all arrears of pension to the petitioner within a period of one month from date.

8. With the aforesaid directions, R.V.W. No. 150 of 2024 is allowed and disposed of.

9. In view of disposal of the review application, the connected application being CAN 2 of 2024 shall stand disposed of.

10. There will be no order as to costs.

11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)