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06.08.2024
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**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 14777 of 2024

**Niranjan Adhikari
-versus
The State of West Bengal & Ors.**

**Ms. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra.
...For the State.**

**Mr. Biswabrata Basu Mallick,
Mr. Avishek Prasad.
...For the State.**

The reasoned order dated 16th October, 2023 passed by the District Inspector of Schools (P.E.), Hooghly rejecting the prayer of the petitioner to get pension as there is shortfall in his qualifying service period is impugned in the instant writ petition.

The petitioner retired from service after rendering 9 years 2 months and 12 days of service.

The petitioner participated in the recruitment process for appointment of primary school teacher in the year 1986 but because of several litigations which were pending in connection with the said recruitment process, appointment letter could not be issued in his favour.

The petitioner joined as Assistant Teacher in June 2005 and retired in the year 2014.

The petitioner prays for condoning his shortfall in the qualifying service period as the delay was not attributable to him.

A similar issue has been decided by this Court on 5th August, 2024 in WPA 10763 of 2023 (Bansi Badan Kole –vs- The State of West Bengal & Ors.). In the said matter, the Court allowed the prayer for condoning the shortfall on the ground that the delay was not in any manner attributable to the petitioner. Had the appointment letter been issued to the petitioner in usual course, he would have certainly served the entire qualifying period of service.

In line with the decision in the matter of Bansi Badan Kole (supra), the instant writ petition is disposed of by directing the District Inspector of Schools (P.E.), Howrah to process the pension case of the petitioner and ensure that the benefit is disbursed in favour of the petitioner at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The impugned order dated 16th October, 2023 is accordingly, set aside.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)