

11 02.07.2024
rkd Ct.18

W.P.A. 16042 of 2024

Sri Supriya Joddar

-vs-

The State of West Bengal & Ors.

Mr. Lakshmi Kanta Pal,
Mr. Bandhu Brata Bhula

....for the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey

....for the State.

Affidavit-of-service filed on behalf of the
petitioner is taken on record.

Petitioner being an Assistant Teacher in a
Government aided Secondary School has
approached this Court with the present writ
petition seeking consideration of his past service as
an approved primary teacher from 1st March, 2004
to 23rd April, 2008.

It is also submitted that without any break
in service petitioner joined as an Assistant Teacher
in a secondary school on 24th April, 2008. Since
petitioner is going to retire on 30th April, 2025
petitioner apprehends that his past service as an
approved primary teacher will not be reckoned with
while settling his pension case.

In support of such contention reliance has
been placed on Government Circular dated 7th

April, 1981 being No. 261/2(Edn).(P)/4A-3/80.

The learned advocate representing the State respondents has opposed the writ petition since the same is premature and petitioner has not yet retired and no steps have been taken by the concerned respondents in processing the pension case of the petitioner.

Having considered the submissions made on behalf of the parties, it appears that petitioner will retire from the post of Assistant Teacher of a High School on 30th April, 2025; therefore time has not come to take decision on the case made out by the petitioner with regard to reckoning his past service as primary teacher in computing his retiral benefits including pension. If the Circular dated 7th April, 1981 is found to be applicable at the time of superannuation of the petitioner it is expected that the concerned State respondents and the school authority shall consider the said Circular in order to settle the petitioner's pension case and take steps accordingly.

With the aforesaid observation, the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this

order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)