

08 09.07.2024
rkd Ct.18

W.P.A. 16417 of 2024

Goutam Kumar Jana @ Gautam Kumar Jana

-vs-

The State of West Bengal & Ors.

Mr. Himadri Sikhar Chakraborty,
Mr. Samsul Arafin

....for the petitioner.

Mr. Sudeep Sanyal,
Mr. Snehasis Jana,
Ms. Tutun Das,
Mr. Chandrachur Lahiri,
Ms. ASrulekha Bera Maiti

....for the respondent nos.7 to 9

Mr. Bhaskar Prasad vaisya,
Mr. Ranjan Saha

...for the State.

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

The writ petition is heard in presence of the
learned advocates representing the petitioner, State
respondents and Teacher-in-Charge of Pirakata
High School (H.S.), District- Paschim Medinipur
being respondent no.9.

The grievance of the petitioner is non-
payment of retiral dues including pension though
petitioner retired from the post of Headmaster on
30th April, 2023.

During course of hearing the learned
advocate for the petitioner has placed before this
Court one memo dated 27th June, 2024 issued by

the District Inspector of Schools (S.E.), Paschim Medinipur addressed to the respondent no.9 requesting him to issue NOC/No Liability Certificate which would facilitate the State respondents to settle the pension case of the petitioner and release the same.

The memo dated 27th June, 2024 issued by the concerned District Inspector of Schools is kept with the record.

Mr. Sanyal, learned advocate representing the respondent no.9 has strenuously argued to oppose the prayer made in this writ petition relating to release of retiral dues including pension on the score that the petitioner being the Headmaster of the aforesaid school in spite of his superannuation has kept certain documents relating to the administration of the school under his custody that being the reason till date No Liability Certificate has not been issued by the respondent no.9.

However, such contention made on behalf of the respondent no.9 with regard to keeping certain documents relating to the administration of the school under the custody of the petitioner is disputed by the learned advocate representing the petitioner.

State respondents are represented by Mr. Vaisya, learned Additional Government Pleader who submits that if No Liability Certificate is issued by the respondent no.9 then subsequent steps shall be taken by the State respondents for early release of retiral dues.

Having considered the submissions made on behalf of the parties and taking note of the memo dated 27th June, 2024 which has been issued by the concerned District Inspector of Schools, it appears that for non-issuance of No Liability Certificate in favour of the petitioner pension including retiral dues till date could not be released. Though submission has been made on behalf of the respondent no.9 that at the time of superannuation of the petitioner certain documents relating to administration of the school were kept under the custody of the petitioner being the Headmaster unauthorisedly but this Court cannot shut its eyes to the norms relating to retirement of Headmaster of Government aided High School which are required to be followed by the school authorities.

At the time of superannuation of Headmaster of Government aided High School charge is required to be handed over to the

Teacher-in-Charge or Assistant Headmaster of the school. From the submission made on behalf of the respondent no.9, it further appears that charge handing over was made at the time of superannuation of the petitioner.

It is also submitted fairly on behalf of the respondent no.9 that at the time of superannuation of the petitioner there was no pendency of disciplinary proceedings or criminal proceedings at the instance of the said school authority.

Considering the aforesaid facts, this Court finds that withholding of No Liability Certificate by the respondent no.9 is impermissible.

The respondent no.9 is directed to issue No Liability Certificate by seven days from date and the same should be transmitted to the office of the concerned District Inspector of Schools.

On receipt of No Liability Certificate the State respondents including respondent no.3 are directed to complete the formalities relating to release of pension in favour of petitioner.

Pension Payment Order shall be issued by the respondent no.4 expeditiously but not later than fortnight from the date of receipt on pension papers from the respondent no.3.

With the above direction, the writ petition

stands disposed of.

However, if the aforesaid school authority has grievance with regard to withholding of records pertaining to administration of the said school and accounts as alleged, the school authority shall be at leave to take steps in accordance with law.

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.)