

09.05.2024
(M/L 52)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 22334 of 2022

Paramita Roy
-Vs-
The State of West Bengal & Ors.

Mr. Syed Mansur Ali,
Sk. Imtiaz Uddin,
.... For the Petitioner.
Mr. Avishek Prasad,
.... For the State.
Mr. Subhamoy Bhattacharya,
Mr. Shankar Mukherjee,
.... For the Respondent nos. 6 & 7.

The petitioner was an Assistant Teacher at Patha Bhawan, Kolkata, a D.A getting school. On attaining the age of superannuation, she has retired from her service on July 31, 2016.

The petitioner has a shortfall in the qualifying service to get the benefit of pension, such shortfall has occasioned due to erroneous date of approval of her appointment.

Two vacancies were created in the said school upon retirement of two teachers namely Smt. Malabika Roy and Smt. Indira Ghosh on June 20, 2005 and February 23, 2007 respectively.

The school authority sought approval of appointments for the petitioner and another teacher of the school, i.e. the respondent no.8 herein, against the said two vacancies.

The approval of appointment of the petitioner was sought for against the vacancy created on retirement of said Smt. Indira Ghosh whereas such approval was

sought for the respondent no.8 against the vacancy created on retirement of said Smt. Malabika Roy.

The District Inspector of Schools (SE), Kolkata, the respondent no.3 herein accordingly approved the appointments of the petitioner and respondent no.8 on and from February 24, 2007 and June 21, 2005 respectively.

The school authority subsequently detected that the petitioner being much senior than the respondent no.8, is entitled to get the said approval against the vacancy created on the retirement of the said Smt. Malabika Roy, i.e on and from June 21, 2005 instead of February 24, 2007.

The said mistake in the date of approval of appointment of the petitioner since has shortened the length of qualifying service of the petitioner, her entitlement to get the benefit of pension was questioned.

The school authority however had approached the respondent no.3 for rectification of the date of approval of appointments of the petitioner and the respondent no.8, but the same was unattended to.

The petitioner under such circumstances, for redressal of her grievance had filed a writ petition being WPA 2340 of 2019 which was disposed of by directing the respondent no. 3 to hold a meeting with the petitioner, the respondent no. 8, and with the school authority and upon verification of records, to pass suitable orders.

The said respondent in compliance with the said direction has passed the impugned order bearing no.

403/1(3)/Law dated August 17, 2022 whereby the prayer of the school authority for rectification of the dates of approval of appointment of the petitioner and the respondent no.8 has been rejected on the grounds that such mistake has occasioned due to the fault of the school authority and belated approach for correction of the same.

The clerical mistakes and/or errors in recording the said dates of approval of appointments are apparent, as such, must be rectified, particularly when the said error, if allowed to remain, would affect the valuable right of the petitioner to get the benefit of pension.

The order impugned is therefore set aside. The respondent no.3 is directed to carry out necessary correction of the date of approval of appointments of the petitioner and the respondent no.8 in the relevant Memo(s) within a period of four weeks from date of communication of this order. The consequential steps to prepare the pension papers of the petitioner are required to be taken expeditiously, in accordance with law.

W.P.A. 22334 of 2022 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)