

19.09.2024
Ct. No. 14
Sl. No.4
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. No. 23707 of 2024

**Arati Rani Biswas
-versus-
The State of West Bengal & Ors.**

**Mr. Sudipta Dasgupta
Ms. Sinjini Chakrabarti
... For the petitioner.**

**Mr. Supriyo Chattopadhyay
Ms. Sayantanee Bhattacharjee
... For the State.**

**Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya
... For DPSC, 24 Pgs.(N).**

The petitioner was appointed as a primary school teacher in December, 1998. She retired from service on attaining her normal age of superannuation on 30th November, 2023. She has not been paid her terminal dues.

A communication by the Sub Inspector of Schools Rajarhat West Circle dated 20th December, 2023 was made to her by the District Inspector of Schools (Primary Education) intimating her about the objections raised by the Joint Director of Accounts/Deputy Director of Accounts /ADA.

The objection was that the petitioner obtained her Madhyamik, Higher Secondary and Graduation qualification from Bangladesh. She did not obtain any

higher academic qualification from any recognized university in India. A Government Order has been relied upon to show that she is required to obtain higher qualification in India.

Learned advocate for the petitioner submits that the petitioner is suffering from cancer which is at a very advanced stage and she requires immediate financial assistance for her treatment.

Learned advocate representing the Council submits that the petitioner is a Bangladeshi citizen. She does not have the Indian citizenship certificate. Till her testimonials relating to her educational qualification are verified, the terminal benefits cannot be disbursed in her favour.

Learned advocate for the petitioner refers to the certificate of registration dated 19th June, 1984 issued in favour of the petitioner mentioning that the petitioner has been registered as a citizen of India under the provision of Section 5(1)(a) of the Citizenship Act, 1955.

Relying upon all the educational qualifications, the petitioner applied for obtaining the job. The concerned authority must have verified the testimonials of the petitioner prior to or immediately after issuance of the letter of appointment in her favour.

The petitioner was permitted to serve the institution since 1998. She was granted all service benefits including grant of 'A' category scale of pay and

the benefit of being in service for 18 years. After the petitioner retired in November, 2023 the authority raised objection with regard to her educational qualification and citizenship.

The Court fails to understand as to what the authorities were doing for the entire period when the petitioner remained in service. It cannot be taken that the petitioner was given appointment and permitted to remain in service since 1998 without her educational testimonials being scrutinized or verified. After the service of the petitioner is over there is absolutely no point in scrutinizing or verifying her educational testimonials.

As regards the citizenship of the petitioner, her citizenship certificate is annexed to the writ petition.

After obtaining service from the petitioner for nearly twenty five years the authority cannot refuse or delay in granting terminal benefit to her.

The act of the respondent authority is absolutely illegal, improper and contrary to the principles of equity, fair play and natural justice. The petitioner would be entitled to receive all her terminal benefits in accordance with law.

The District Inspector of Schools (Primary Education) 24 Parganas (North) is directed to take steps to process the pension file of the petitioner and ensure that she receives all her terminal dues at the earliest

but positively within a period of ninety days from the date of communication of the order.

The District Primary School Council, North 24 Parganas is directed to render all assistance and cooperation to the District Inspector of Schools for the purpose of preparation of the terminal benefit file of the petitioner.

Since the petitioner is suffering from cancer and she requires immediate financial assistance, the District Inspector of Schools shall take steps to grant provisional pension along with all arrears to the petitioner so that she can continue with her treatment.

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.)