

24.03.2025
Court No. 18
Item No. 16
(Suvendu)

W.P.A. 5365 of 2025

Radhe Shyam Tripathi
-Versus-

The State of West Bengal & Ors.

Mr. Himadri Barua
Mr. Biswajit Das

.....for the petitioner

Mr. Suman Dey
Mr. Soumik Dey

.....for the State

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

Petitioner first worked as an approved Assistant Teacher in a DA getting school in Kolkata from 28th July, 1993 till 1st December, 2011 and thereafter petitioner worked as approved Headmaster from 2nd December, 2011 till his date of superannuation on 31st December, 2024.

Grievance of the petitioner is in spite of superannuation of the petitioner on 31st December, 2024 his pension case has not been settled due to inaction on the part of the District

Inspector of Schools (SE), Barrackpur, North 24 Parganas being respondent no. 5 to settle the pension case. Reason for not settling the pension case by respondent no. 5 as it is forthcoming is refusal by the District Inspector of Schools (SE), Kolkata being respondent no. 4 to countersign the Service Book of the petitioner in connection with period of service which petitioner rendered as an approved Assistant Teacher in a DA getting school in Kolkata for the period from 28th July, 1993 till 1st December, 2011.

On perusal of the writ petition and considering the submissions made on behalf of the respective parties, it appears that reckoning past service of the petitioner as an approved Assistant Teacher in a DA getting school in Kolkata petitioner was selected for the post of Headmaster in Baba Sitaram Vidyapith Shivamandir High School, North 24 Parganas (hereinafter referred to as "said school") and recommendation was made by the Chairman, West Bengal Regional School Service Commission, South-Eastern Region, Barasat on 21st September, 2011 and thereafter petitioner

joined the said school as Headmaster on 2nd December, 2011. It is correctly pointed out by learned advocate representing the petitioner that one of the requisite criteria of an Assistant Teacher to be appointed in the post of Headmaster is ten years approved service in a Government recognized school. Therefore, it can be inferred that reckoning past approved service of the petitioner in a DA getting school in Kolkata from 28th July, 1993 petitioner was selected for the post of Headmaster and he worked from 2nd December, 2011 till 31st December, 2024 as Headmaster of said school in North 24 Parganas. The District Inspector of Schools (SE), Kolkata vide memo dated 29th March, 1995 approved the service of the petitioner with effect from 28th July, 1993 in connection with petitioner's service in DA getting school in Kolkata. Therefore, at the time of settling pension case of the petitioner on superannuation from the post of Headmaster on 31st December, 2024 State authorities cannot ignore past approved service of the petitioner which he rendered in a DA getting school in Kolkata.

Hence, the District Inspector of Schools (SE), Kolkata being respondent no. 4 is directed to take all necessary steps including counter-signing the Service Book of the petitioner by fortnight from the date of communication of this order and same shall be forwarded to respondent no. 5 by seven days thereafter. On receipt of countersigned Service Book of the petitioner from respondent no. 4, respondent no. 5 shall take all necessary steps for settling the pension case of the petitioner by four weeks thereafter. While settling the pension case of the petitioner, authority of said school being respondent no. 7 is directed to cooperate with the respondent no. 5. Respondent no. 5 shall forward the pension papers to the Director of Pension, Provident Fund and Group Insurance being respondent no. 3 by fortnight thereafter and respondent no. 3 shall issue Pension Payment Order within fortnight thereafter. It is made clear that retiral dues including pension shall be released in favour of the petitioner as early as possible but not later than twelve weeks from the date of communication of this order.

Writ petition stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)