

Item-
1. 22-04-2025

sg

Ct. 8

MAT 405 of 2025
CAN 1 of 2025
CAN 2 of 2025

State of West Bengal & Ors.
Vs.
Khandakar Fazlul Karim

Mr. Biswabrata Basu Mallick, Id. AGP
Ms. Parna Roy Choudhury
... for the appellants

1. The affidavit of service filed in Court today is taken on record.
2. In spite of service, the writ petitioner is not represented.

In Re: CAN 1 of 2025

3. This is application for condonation of delay. There is a delay of 188 days in preferring the memorandum of appeal.
4. We are satisfied with the explanation offered for not being able to file the memorandum of appeal within the period of limitation. The cause being shown sufficient and acceptable, we allow the application for condonation of delay.
5. CAN 1 of 2025 is, thus, disposed of.

In Re: MAT 405 of 2025 with CAN 2 of 2025

6. In view of the admitted position that the writ petitioner ought to have been appointed much earlier than 2010 and he had approached the Court on previous occasion for

issuance of letter of appointment – last of which was in 2005 – pursuant whereof, ultimately the appointment letter was issued.

7. We fully agree with the observation of the learned Single Judge that the petitioner not having responsible for the delay, he cannot be deprived of the pension by reason of shortfall of roughly one and half years. In fact, he ought to have given the appointment in the year 2005.
8. In view of the aforesaid facts, we affirm the order of the learned Single Judge.
9. However, as pointed out by the learned Counsel for the appellants that instead of the District Inspector of Schools, the Principal Secretary of the School Education shall process the pension papers in terms of the direction passed by the learned Single Judge positively within a period of three months from the date of this order.
10. All consequential steps till the issuance of PPO shall be taken by the District Inspector of School immediately thereafter.
11. In view of the fact that in spite of service of notice of appeal, the writ petitioner did not appear and we are not interfering with the order passed by the learned Single Judge save and except to the extent indicated above, we dismiss the appeal in the absence of the writ petitioner.
12. The order impugned is modified to the aforesaid extent. The appeal and the application are dismissed.
13. This order shall be immediately communicated to the writ petitioner by the respondent authorities for

information and doing the needful.

14. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)