

Item-
2. 22-04-2025

sg

Ct. 8

MAT 406 of 2025
CAN 1 of 2025
CAN 2 of 2025

State of West Bengal & Ors.
Vs.
Sayeeda Begam & Anr.

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 158 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. The appellant is a retired primary school teacher. However, because of shortfall of ten months and five days in completing the qualifying service period of ten

years, she was held to be ineligible for the pensionary benefits. The appointment letter was issued to the writ petitioner after she along with others had filed a writ petition being WP No. 8397 (W) of 2010, which was disposed of on 16th May, 2011 directing the respondent authority to take steps in the matter within a specified period of time.

7. It is an admitted position that the respondent authorities have inordinately delayed the matter and ultimately, issued the letter of appointment and because of the time gap, she has lost ten months and five days as qualifying service period of ten months and five days.
8. The learned Single Judge relying upon a decision of the coordinate Bench dated 31st October, 2019 in the matter of *Asim Kumar Chakrabarti vs. The State of West Bengal & Ors. (WPST No. 112 of 2019)*, in which in similar circumstances, the coordinate Bench had protected the pensionary benefits and after having concluded that the delay was not attributable to the writ petitioner, allowed pensionary benefits.
9. The learned Single Judge has followed the aforesaid ratio. There being no dispute as regards negligence on the part of the respondent authorities to comply with the direction of the Court within a reasonable time by reason whereof, the petitioner became ineligible for the pensionary benefits.
10. In view of the aforesaid facts, we affirm the order of the learned Single Judge.

11. 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.
12. All consequential steps till the issuance of PPO shall be taken by the District Inspector of School immediately thereafter.
13. 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.
14. The order impugned is modified to the aforesaid extent. The appeal and the application are dismissed.
15. This order shall be immediately communicated to the writ petitioner by the respondent authorities for information and doing the needful.
16. 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.)