

09.07.2025
SI No.10
Court No.8
(gc)

**MAT 666 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**The State of West Bengal & Ors.
Vs.
Basudev Dwari & Anr.**

Mr. Biswabrata Basu Mallick, Ld. AGP.,
Ms. Parna Roy Choudhury
...for the Appellants.

Mr. Debabrata Karan,
Ms. Sabita Khutia (Bhunya),
Mr. Debopriyo Karan
...for the Writ Petitioner/
Respondent No.1.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury
...for the Howrah, DPSC.

Re: CAN 1 of 2025

1. There is a delay of 237 days in preferring the appeal. Sufficient cause being shown for not being able to file the appeal within the period of limitation. The delay in filing the appeal beyond the statutory period is hereby condoned.
2. Accordingly, the application for condonation of delay is allowed and disposed of.

**Re: MAT 666 of 2025
CAN 2 of 2025**

3. The reasoned order passed by the learned Single Judge in disposing of the writ petition in which the learned Single Judge upon consideration of the fact observed that

although the writ petitioner ought to have been appointed in the year 1986, but due to prolonged litigation, he was appointed in the year 2003. The denial of pensionary benefits on the ground that there is a shortfall in the qualifying period of ten years to receive pension was unjustified does not warrant any interference in the appeal.

4. However, as submitted on behalf of the appellant, the authority concerned should be the Commissioner of School Education (Primary Education) who shall process the pension file in terms of the direction passed by the learned Single Judge on or before 21st September, 2025 positively and peremptorily.
5. With the aforesaid modification, the appeal and the application are disposed of.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)