

09.07.2025
SI No.11
Court No.8
(gc)

MAT 667 of 2025
CAN 1 of 2025
CAN 2 of 2025

The State of West Bengal & Ors.
Vs.
Biswanath Dolui & 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 224 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.

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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. Notwithstanding a submission made on behalf of the State that he has rendered service for only 4 years 8 months and 16 days since his appointment on 10.04.2003, as rightly pointed out by the learned Single Judge, the petitioner was supposed to be appointed in the year 1986 but due to prolonged litigation, the appointment was delayed. The writ petitioner was no way responsible for the said delay. If the writ petitioner were to be appointed in the year 1986, there would not have been shortfall in the qualifying period of service.
5. 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.

6. With the aforesaid modification, the appeal and the application are disposed of.
7. However, there shall be no order as to costs.
8. 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.)