

14.05.2025

Sl. No.: 46

Court No.25

BM

WPA 10774 OF 2025

MD. SHAHIDULLAH BISWAS

VS.

THE STATE OF WEST BENGAL AND ORS

Mr. Prahlad Chandra Ghosh

Mr. Subir Hazra

... for the petitioner

Mr. Dipanjan Datta

Ms. Reshma Chatterjee

... for the State

1. The petitioner has prayed for condonation of the period of shortfall for being eligible for pension and treating him to be eligible for grant of pension by the respondent no.1.

2. The writ petitioner being a School Teacher has served for long but less than ten years. However, ten years of continuous approved service is the statutory minimum period prescribed for the person to be eligible for grant of pension, as per the Rules.

3. Hence, a representation has been made before the Secretary, School Education Department to seek a direction therefrom that the period of shortfall as per the prescribed period to be eligible for pension may be condoned. The same is yet to be considered by the respondent authority.

4. Hence, this writ petition.

5. A direction has also been prayed for upon the said respondent authority i.e. the respondent no.1 to consider the petitioner's prayer as above.

6. Mr. Dipanjan Datta, learned senior Government Advocate is present in court and requested to assist the court in the instant case. His appointment be regularised by the office of the Government Pleader in due course of time.

7. Heard the submissions and perused the records, in view of the innocuous prayer made on behalf of the writ petitioner, the Court is inclined to direct the respondent no.1, the Secretary of School Education, Government of West Bengal to treat the present writ petition as the representation of the writ petitioner and consider his prayer as made therein, after granting him a reasonable opportunity of hearing. The same be disposed of by the respondent no.1 by dint of a reasoned order and positively within a period of six weeks from the date of submission of copy of this order, along with copy of the writ petition, before it.

8. With the above observations and directions, the writ petition being WPA 10774 of 2025 is disposed of, along with pending application, if any.

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

(Rai Chattopadhyay, J.)