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03.07.2025
Ct. No. 18
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W.P.A. 12940 of 2025

**Goutam Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Sourav Mitra
Ms. Sreyasree Choudhury

Mr. Marghoob Ahmed Salik

...for the petitioner

...for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner is a retired assistant teacher, who superannuated on 30th June, 2023.
3. Learned advocate representing the petitioner submits that in terms of Government Order being GO No. 749-SE(L) dated 13th June, 2014 issued by the concerned State authorities in terms of the judgment of the Special Bench dated 16th July, 2013 passed on intra Court appeal being APO No. 94 of 2009 (State of West Bengal & Ors. Vs. Abhijit Baidya & Ors.) he exercised option within time for switching over from Contributory Provident Fund to General Provident Fund cum Pension Scheme on 27th June, 2014. The school authority where petitioner was working submitted calculation sheet

under CPF Scheme with accrued interest before the Additional District Inspector of Schools (SE) Kharagpur on 12th September, 2024 for authentication. However, said Additional District Inspector of Schools (SE) Kharagpur authenticated his CPF calculation sheet on 24th February, 2016 which is beyond the time stipulated in the Government Order dated 13th June, 2014 which caused delay in depositing the Government share for CPF and ultimately same was deposited on 30th March, 2016. It is submitted that delay is due to authentication made belatedly by the Additional District Inspector of Schools (SE) Kharagpur and same is corroborated by the memo dated 1st February, 2023 issued by the District Inspector of Schools (SE) Paschim Medinipur. Petitioner prays for condonation of delay in depositing Government share of CPF which would make the petitioner eligible to get benefits under General Provident Fund cum Pension Scheme.

4. Learned advocate representing the State respondents has submitted a writing of the District Inspector of Schools (SE) Paschim Medinipur dated 1st July, 2025 wherefrom it appears that Deputy Director of School Education (GA), West Bengal was requested in terms of memo dated 1st July, 2025 to consider the matter. Since it is argued on behalf of

the petitioner that delay is not attributable to him in depositing Government share of CPF rather it was due to delayed authentication by the concerned Additional District Inspector of Schools (SE) Kharagpur.

5. This Court finds it apt to direct the Principal Secretary, Government of West Bengal, School Education Department being respondent no. 2 to decide the issue whether petitioner at this stage to be permitted to get the benefit of General Provident Fund with pension under GPF Scheme on accepting delayed payment of sum as calculated by the State authorities after authentication was made by the concerned Additional District Inspector of Schools (SE) Kharagpur, within a period of 6 (six) weeks from the date of communication of this order. An opportunity of hearing shall be granted to the petitioner or his representative before passing reasoned order. During course of hearing petitioner shall be at liberty to rely upon orders of this Court and relevant Government Circulars if issued in this regard. Decision to be taken by the respondent no. 2 shall be communicated to the petitioner by 10 (ten) days thereafter.
6. Writ petition stands disposed of.

7. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)