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16.09.2025
Ct. No. 11
rrc

MAT 956 of 2025
with
IA No. CAN 1 of 2025
(Sabita Rani Maity Vs. The State of West
Bengal & Ors.)

Mr. Saibal Kumar Acharyya
Mr. Pradip Paul
Ms. Renesa Dey

.... For the appellant

Mr. Amitabrata Roy, Ld. GP
Mr. Nilotpal Chatterjee

..... For the State respondents

Md. Sarwar Jahan
Ms. Mousumi Mitra
Ms. Tapati Sarkar
Ms. Shalini Sen

..... For the respondent no. 5

The appeal is from an order dated 28th February, 2025, dismissing the writ petition of the appellant herein.

The appellant was appointed as a *Sahayika* in Kamdebnagar Vidyasagar Sishu Siksha Kendra in the year 2002. The appellant had retired from service on 31st March, 2024. She had also received her terminal benefits aggregating to ₹1,00,000/- some time in the month of November, 2024.

Subsequently, the appellant/writ petitioner had preferred a writ petition in the month of February, 2025 seeking *inter alia* cancellation of a memo dated 4th July, 2024 bearing No. 952-SED-11099/335/2023-SECND by which the terminal benefits of similarly situated persons was enhanced from ₹2,00,000/-/₹3,00,000/- to Rs. ₹5,00,000/- depending her date of demitting office at the age of 60 years or 65 years, as the case may be.

We have heard the Counsel for the parties at length.

It is not disputed that the memo of 4th July, 2024 was made applicable from 1st April, 2024. The appellant/writ petitioner demitting office on 31st March, 2024 was, thus, held to be ineligible for the benefits meted out under the aforestated memorandum of 4th July, 2024.

In course of hearing, we have asked Mr. Jahan, learned Counsel appearing for the respondent no. 5 to apprise us of the facts in the case by way of a report. Such report has been filed today and is kept on record.

From the documents disclosed in the report Mr. Acharyya, learned Counsel appearing for the appellant/writ petitioner submits that the Finance Department to the Government of West Bengal by successive notifications has treated similarly situated persons in different departments in a discriminatory manner. However, the said issue is not germane, as it has not been challenged in the writ petition.

From the records it appears that the memo of 4th July, 2024 issued by the School Education Department was in consonance with the memo of 7th March, 2024 issued by the Finance Department, Government of West Bengal. In such memo of 7th March, 2024 the date of effect has been specified as 1st April, 2024.

Thus, clearly the appellant/writ petitioner cannot be held to be eligible to avail the effect of the memo of 4th July, 2024.

In such circumstances, the learned single Judge had rightly decided not to exercise any discretion, as it was the policy decision of the State Government insofar as the applicability and/or effect of the memo of 4th July, 2024 is concerned.

Thus, we find no reason to interfere with the order of the learned single Judge dated 28th February, 2025.

However, this order will not prevent the appellant/writ petitioner from initiating any further action challenging the memos as disclosed in the report, as urged by Mr. Acharyya before us, if so advised.

With the aforestated directions, the appeal and the connected application are disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)