

03.12.2025
Item No. 20
Ct. No. 14
AN

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**WPA 16472 of 2025
Emajuddin Sheikh
vs.
State of West Bengal & ors.**

Md. Yusuf Ali

... for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Gourav Das

... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for direction upon respondent no. 3, the District Inspector of Schools (S.E.), Malda to recalculate the retiral dues including the pensionary benefits of the petitioner by taking into account the 3% additional increment for performing additional responsibilities as Headmaster of the Institution viz. the Higher Secondary Madrasah from 1st July, 2010 to 31st May, 2020.
3. The petitioner contends that he joined as an Assistant Teacher in Uttar Lakshmipur High School. In the year 1987, the said school was upgraded from Junior High School to High School, however, the service of the petitioner was not approved. The approval of the service of the petitioner was granted by the order of this Court. On completion of the M.Sc. (Zoology), the

petitioner was granted post graduate scale of pay. Subsequent thereto the petitioner was appointed as the Headmaster of Ideal High Madrasah. The petitioner retired from service on 31st May, 2020 on superannuation. The pension was not granted in favour of the petitioner on the ground of overdrawn amount. The petitioner was directed to refund the sum of Rs. 1,76,812/- as an overdrawn amount. Accordingly, the petitioner deposited the said amount with the concerned Department and consequently the pension was granted.

4. The petitioner filed a writ petition being WPA 19271 of 2023 seeking for refund of the overdrawn amount which was allowed by this Court on 25th August, 2023 as follows:

“Accordingly, the concerned Director of Pension, Provident Fund and Group Insurance, Government of West Bengal and also the concerned Treasury Officer are directed to release the said amount of Rs. 1,76,812/- along with interest @8% per annum thereon in favour of the petitioner from the date of issuance of PPO till the date of payment, such payment is to be made within a period of eight weeks from the date of communication of this order.”

5. The petitioner thereafter made an application for re-fixation of his pay with effect from 1st July, 2010 to 31st May, 2020 before respondent no. 3, the District Inspector of Schools (S.E.), Malda including the other authorities on 12th June, 2025. The same is still pending with the authority. Hence this writ petition.

6. Md. Yusuf Ali, learned advocate appearing for the petitioner seeks that the matter be relegated to respondent no. 3, the District Inspector of Schools (S.E.), Malda for consideration and disposal of the application of the petitioner dated 12th June, 2025.
7. Mr. Bhaskar Prasad Vaisya, learned advocate representing the State leaves the matter to the discretion of the Court.
8. Accordingly, respondent no. 3, the District Inspector of Schools (S.E.), Malda is directed to consider and dispose of the application of the petitioner dated 12th June, 2025 within a period of six weeks from date of communication of this order upon giving notice to the petitioner as well as to the Madrasah authority, respondent nos. 6 and 7 herein.
9. Learned advocate for the petitioner is directed to communicate this order to respondent no. 3, the District Inspector of Schools (S.E.), Malda, for necessary compliance.
10. With the above observations, **WPA 16472 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.
12. Consequently, connected applications, if any, also stand disposed of.
13. Interim orders, if any, stand vacated.

14. There will be no order as to costs.
15. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)