

07.11.2025
Sl. No.21
Ct. No.7
ss

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

W.P.A. No. 20311 of 2025

**Ajanta Bose Dey Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Sudipta Maiti
Mr. Banshi Badan Maity

...for the Petitioner.

Mr. Soumitra Bandyopadhyay
Mr. Priyabrata Batabyal

...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 to refund the Governments' share in Contributory Provident Fund with interest and additional interest in terms of Government scheme in order to avail the benefit of pension.
3. The petitioner contends that her husband namely, Gnanendra Chandra Dey Sarkar was a Head Teacher of Hekendar F.P. School, Districty Dakshin Dinajpur who died-in-harness on 4th February, 2006. The petitioner is the widow of deceased teacher. The petitioner's husband exercised option under ROPA, 1990. The petitioner seeks to refund the amount with interest and additional interest in order to avail the benefit of pension.

4. Mr. Sudipta Maiti, learned Advocate for the petitioner submits that the petitioner intends to deposit the Government's share of provident fund together with interest and additional interest. In support of his contention, he relies on the decision of a Co-ordinate Bench in *Santilala Mahato versus State of West Bengal & Ors. (WPA 16272 of 2025)*.
5. Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate submits that till date no such application or representation has been made before the respondent authorities seeking permission to refund the Government's share of contribution.
6. By Government Order No.749-SE(L)/55-56/13 (Pt.V) on 13th June, 2014, the teachers were given option to join GPF Scheme upon refund of employee's share of provident fund.
7. A Co-ordinate Bench in *Rijia Khatun (supra)* has granted permission to the party to refund the employee's share in provident fund upon considering the decision of the Hon'ble Division Bench in *State of West Bengal & Ors. versus Sefali Jana & Ors. in FMA 620 of 2018*.
8. In view of the submissions advanced on behalf of the respective parties and in line with the decision of Hon'ble Division Bench in *Sefali Jana (supra)*, respondent no.4, the District Inspector of Schools (PE), Dakshin Dinajpur, is directed to calculate the amount required to be refunded by the petitioner to

get the benefit of pension and upon deposit of the said amount the said respondent being the pension sanctioning authority shall verify the pension papers of the petitioner and sent the same to the respondent No.3, Director of Pension, Provident Fund and Group Insurance, Government of West Bengal for further steps to be taken in accordance with law for issuance of the Pension Payment Order in favour of the petitioner.

9. The respondent Nos.4 and 3 shall complete the respective exercise as expeditiously as possible and the pension shall be paid to the petitioner on and from the next date of superannuation of the petitioner's husband.
10. With the above direction, the writ petition being **WPA 20311 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)