

14/10/2025
Ct. No. 7
D/L – 95
(Vacation Bench)
SM/SK

WPA 23821 of 2025

Md. Shahjahan
Vs.
The State of West Bengal & Ors.

Mr.Subir Hazra

...for the petitioner.

Mr. Rabindra Nath Pal

Mr. Milan Kr. Maity

...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 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. 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 Department, 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 in the light of the judgment/order dated October 13, 2023 passed by the Hon'ble Supreme Court in Civil Appeal Nos. 6728-6729/2023 (arising out of SLP (C) Nos.14878-14879/202) Mitali Chakraborti Nee Bhattacharya :Versus: The State of West Bengal as well as the Judgment/Order dated 18.03.2013 arising out of Special Leave to Appeal (Civil...../2013) (CC 5902/2013) (From the Judgement and the Order dated 04.07.2012 in MAT No. 715/2011 of the High Court of Calcutta)] 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.

7. With the above observations and directions, the writ petition being WPA 23821 of 2025 is disposed of.

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

(Shampa Dutt (Paul), J.)