

WPA 24575 of 2013

4.3.2025

Ct.25,sl.289.

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Ajay Kumar Bhadra.-vs-State of West Bengal & Ors.

Mr.Sayan Mitra
Mr. S.Naskar
Ms. Aabha Mitra
...for the petitioner.

1. Affidavit of service filed by the petitioner is taken on record.
2. The matter is being heard on remand, pursuant to the direction of the Hon'ble Division Bench passed in MAT 1004/2018 dated June 13, 2019.
3. Earlier the writ petition was dismissed by the Court on the ground of the petitioner having already crossed the age of superannuation. The Hon'ble Division Bench found the said ground to be insufficient and directed that the writ petition should be disposed of on merits.
4. In spite of service of notice, no one is appearing for the State respondent.
5. It appears that the petitioner, who has admittedly reached the age of superannuation on January 6, 2009 has challenged the order of the District Inspector of Schools (Secondary Education), South 24-Parganas/respondent no. 3 dated April 28, 2013, that on and from April 4, 2010, there shall not be any extension for the temporary employees of the School and his service shall be discontinued. However, as a

matter of fact, the writ petitioner has reached the age of superannuation before that, on the date as mentioned above.

6. Learned advocate for the petitioner has mentioned about the approval letter of the petitioner dated July 8, 1981, in which the petitioner is shown to have been approved in service with effect from November 3, 1979.

7. Learned advocate on behalf of the petitioner has also relied on Notification No. 217-SE(B)/ES/O/B/1M-36/2003 dated May 20, 2003 and the following portion thereof.

“The approved employees of the school who are eligible for pension at the rate of 25% of the average emoluments of last 36 months subject to their fulfilling other conditions may serve upto 65 years of age provided such employees joined service before 31.12.1985”. P

8. It is submitted that the petitioner would be eligible to continue with his service upto 65 years age as per the said notification whereas the impugned order of the D.I. itself continuing the service of the petitioner with effect from April 4, 2010, is in violation of the provisions as enumerated in the said notification.

9. The notification no. 217-SE (B)/ES/O/B/1M-36/2003 dated May 20, 2003 speaks about extension of service period upto 65 years of the employee, who are

eligible for pension at a stipulated rate of emoluments and subject to his fulfillment of other conditions.

10. Upon careful consideration, the Court is of the opinion that the petitioner does not fulfill the criteria as mentioned in the said notification no. 217-SE (B)/ES/O/B/1M-36/2003 dated May 17, 2003 for being extended with his service period for five years more, in so far as the petitioner has been working in the said school and was approved in service on temporary basis. His service was subjected to extension from time to time by the respondent authorities and ultimately on April 4, 2010, he has reached the age of superannuation. Therefore, the petitioner would not have been eligible for pension upon his superannuation and would not have come within the purview of the Notification No. 217-SE(B)/ES/O/B/1M-36/2003 dated May 20, 2003. As such the Court does not find any merit in the present case and the writ petition along with applications are dismissed.

(Rai Chattopadhyay, J.)