21st Nov. 2025
Item no.44
Subrata
Bhattacharyya
AR(C)

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Case No. **WPA No.26181 of 2025**

In the matter of :

Bharati Sil

.... Petitioner

-vs-

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Ms. Sudipta Maiti

....Advocate

For the State:

Mr. Rajendra Chaturvedi

Ms. Kakali Pal

....Advocate

1. Affidavit of service filed in Court today is taken on record.
2. None appears on behalf of the State respondent.
3. The petitioner was serving as an Assisting Teacher in a secondary school and she retired from service on attaining the age of superannuation on April 30, 2013.
4. She prays for granting permission to refund the Government's share of contribution in his provident fund account along with interest and additional interest so that she can switch over to the pension scheme.
5. Reliance has been placed on the judgment delivered by the Hon'ble Division Bench on 26th July, 2023 in MAT 146 of 2019 (State of West Bengal & Ors. vs. Muktimoyee Pal (Dey) & Ors.) wherein the Court held that the teacher is not required to exercise fresh option

but get the benefit of pension if the Government's share of contribution in his provident fund account is refunded along with interest and additional interest.

6. The petitioner claims that option was exercised in terms of ROPA 1990. She is willing to refund the contributory provident fund amount with interest and additional interest to avail the benefit of pension.

7. In view of the above, the instant writ petition stands disposed of by directing the DI of Schools (SE), Paschim Medinipur to calculate the amount refunded by the petitioner to avail the pension scheme within a period of eight weeks from the date of communication of this order. If the petitioner refunds the calculated amount within a period of two weeks from the date of receiving the statement of refund, then the DI of Schools shall forward the pension papers of the petitioner to the office of the Director of Pension, Provident Fund and Group Insurance who will thereafter issue fresh PPO in favour of the petitioner after verification of all records within a period of eight weeks thereafter.

8. While computing the interest the authority shall take into consideration Clause (iv) of the notification no. 749-SE(L)/SL/5S-56/13(Pt-V) dated 13th June, 2014. The pension will be payable on and from the date of superannuation of the petitioner.

9. The writ petition stands disposed of.

10. Certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

[Amrita Sinha, J]