

08.12.2025
Sl. No.15(DL)
Ct. No.14
AN

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

W.P.A. No. 27372 of 2025

Utpal Kumar Bera

Versus

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra

...for the Petitioner.

Mr. Gausul Alam
Mr. Sanjib 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 condonation of short fall of four months six days in ten years of qualifying service as required for grant of pension.
3. The petitioner contends that his name was sponsored in terms of the Notification dated 1st March, 2006 issued by the Employment Exchange. The Chairman, District Primary School Council, Purba Medinipur, respondent no. 5 herein issued the admit card to the petitioner to participate in the examination held on 6th December, 2009. The petitioner was successful in the said examination and joined as an Assistant Teacher of Machinan Primary School, P.O. Gopalnagar, Kolaghat Circle on 8th March, 2010 pursuant to the appointment

letter dated 3rd March, 2010 and was subsequently transferred to Uttar Dhalhara Hindu Board Primary School on 16th September, 2010. The petitioner discharged his functions for nine years seven months twenty four days satisfactorily and retired from service on 31st October, 2019 on superannuation. Respondent no. 3, the Director, Directorate of Pension, Provident Fund and Group Insurance, Finance Department, Government of West Bengal issued the pension payment order vide Memorandum dated 1st November, 2019 under ROPA 2009 without granting pension for want of qualifying service of ten years required for grant of pension. The petitioner made a representation on 7th July, 2025 for condonation of short fall which is still pending. Hence this writ petition.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that as per Rule 7(e)(iv) of Chapter III of the D.C.R.B. Scheme, 1981, the Government is empowered to condone the deficiency upto six months in qualifying service of employees. She seeks that the representation of the petitioner dated 7th July, 2025 be directed to be considered by the concerned authority.
5. Mr. Gausul Alam, learned Advocate for the State submits that the matter be relegated to the concerned authority for due consideration.
6. In view of the above, respondent No. 1, the Principal Secretary, Department of Education (P.E.), Government of West Bengal is directed to consider the

representation of the petitioner dated 7th July, 2025 in the light of Clause 7(e)(iv) of Chapter III of the D.C.R.B. Scheme, 1981 within a period of six weeks from the date of communication of this order.

7. Learned advocate appearing for the petitioner is directed to communicate this order to respondent no. 1, the Principal Secretary, Department of Education (P.E.), Government of West Bengal for necessary compliance and also take consequential steps in accordance with law.
8. With the above direction, the writ petition being **WPA 27372 of 2025** stands disposed of.
9. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
10. Interim order, if any, stands vacated.
11. All connected applications, if any, stand disposed of.
12. There shall be no order as to costs.
13. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
14. 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.)