

Sl.48
09.04.2025
Court No.2
BP

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

WPA 700 of 2025

Samiran Chandra Debnath
-versus-
The State of West Bengal
& Ors.

Ms. Suman Sehanabis (Mondal)
Mr. S. Sah
Ms. Anwesha Chakraborty
Ms. A. Chakraborty
..for the petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahman
..for the State

Mr. Amales Ray, Sr. Advocate
Ms. Mousumi Bhowal
Ms. Prerna Mitra
..for DPSC, Coochbehar

Affidavit of service filed in Court today is
taken on record.

The petitioner was initially appointed as a
Gram Panchayat Karmee. The petitioner thereafter
tendered his resignation from the post of Gram
Panchayat Karmee and was appointed as a primary
teacher under District Primary School Council,
Cooch Behar. The petitioner joined the post of
primary teacher on 7th February, 2011 and he
retired from service on July 31, 2020 after attaining
the age of superannuation. The prayer of the
petitioner for release of the pensionary benefit was

not acceded to on the ground that the petitioner did not complete the minimum period of ten years as a primary teacher for being entitled to the pensionary benefits. Pursuant to an order dated February 28, 2023 passed by a Co-ordinate Bench in WPA 377 of 2023 the Secretary, District Primary School Council, Cooch Behar referred the matter to the Principal Secretary, School Education Department for taking a decision in this regard.

However, till date no final decision has been taken by the concerned authority on the aforesaid issue.

In view thereof, WPA 700 of 2025 is disposed of by directing the Principal Secretary, School Education Department being the respondent no.2 to consider the issue as to whether the past service of the petitioner as a Gram Panchayat Karmee can be taken into consideration while determining the qualifying service of the petitioner for being entitled to the pensionary benefits.

The Principal Secretary, School Education Department is directed to pass a reasoned order after giving an opportunity of hearing to the petitioner or his authorized representative and communicate such reasoned order to the petitioner immediately thereafter.

The entire exercise shall be completed as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order along with the copy of the order dated April 17, 2023 passed by the Secretary, District Primary School Council, Cooch Behar.

It is, however, made clear that it will be open to the petitioner to rely upon any Government notification, Government orders and/or the orders of the court in support of his case at the time of hearing before such authority.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)