

20th Feb., 2026
Item no.M/L 497
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 1537 of 2024**

In the matter of :
Sikha Banerjee @ Sikha Rani Mukherjee
.... Petitioner
VS.
The State of West Bengal & Ors.
....Respondents

For the Petitioner:
Ms. Sabita Khutia (Bhunya)
Mr. Krishna Pada Santra
....Advocates

For the State:
Mr. Suman Dey
Mr. Soumyojit Ghosh
....Advocates

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner seeks pension. There is shortfall of four years four months and twenty-seven days in his qualifying service period.
3. The petitioner submits that he has rendered more than thirty-eight years and eight months in service but as the school in question was not recognized at that point of time, the entire service period of the petitioner has not been considered for calculating his pensionable service period.
4. The petitioner has relied upon the order passed by the Hon'ble Division Bench of this Court on 18th February, 2020 in **FMA 677 of 2015 in the matter of The State of West Bengal & Ors. Vs. Kartick Chandra Das & Ors.**
5. The petitioner has also relied upon orders passed by various coordinate Benches of this Court directing the employer to take into consideration the service period of the employee in the unrecognized school.
6. It appears that a representation filed by the petitioner seeking pensionary benefit on condonation of shortfall in his pensionable

service period is pending consideration before the respondent authorities for a considerable period of time.

7. Without entering into the merit of the claim of the petitioner, the instant writ petition is disposed of by directing the Commissioner of School Education being the respondent no. 2 herein to take a decision on the representation filed by the petitioner in accordance with law and in line with the judgment/order passed by the Hon'ble Division Bench of this Court in the matter of Kartick Chandra Das (supra) at the earliest but positively within a period of eight weeks from the date of communication of this order.
8. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.
9. If the prayer of the petitioner is allowed, then necessary consequential steps shall be taken without any further delay.
10. Learned advocate of the petitioner is directed to forward a copy of the representation dated 1st August, 2023 along with all supporting documents to the aforesaid respondent at the time of communicating the order of this Court.
11. The writ petition stands disposed of.
12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)