

13th Feb., 2026

Item no.D/L 21
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 1987 of 2025**

In the matter of :
Goutam Dey alias Goutam Chandra De
.... Petitioner
VS.
The State of West Bengal & Ors.
....Respondents

For the Petitioner:
Mr. Sudipta Dasgupta
Mr. Arka Nandi
....Advocates

For the State:
Mr. Debjit Mukherjee
Ms. Susmita Chatterjee
....Advocates

1. The petitioner challenges that the order dated 4th October, 2024 passed by the Secretary, School Education Department rejecting the prayer of the petitioner for condoning the two years short-fall of qualifying service period for receiving pension.
2. The impugned order records that short-fall of six months is condonable under DCRB Scheme, 1981.
3. Learned advocate for the petitioner submits that the petitioner was provided appointment in May, 2015, though appointment in respect of the other selected candidates in respect of 2012 RLST was given in November, 2013.
4. Submission is that had the petitioner been given appointment in November, 2013 then he would have been eligible to receive pension under DCRB Scheme, 1981.

5. Reference has been made to the order dated 23rd March, 2015 passed in the writ petition being WP 30824 (W) of 2014 filed by the petitioner wherein specific submission of the Regional Commission has been recorded that there was an inadvertence on the part of the Commission in not including the petitioner in the combined merit list. Specific submission of the Commission was that the petitioner was entitled to issuance of a recommendation letter in his favour. The Court observed that, a candidate despite being entitled to a recommendation was being deprived of the same without any fault on his part.
6. Relying on the aforesaid observation of the Court, the petitioner contends that he ought to be given notional benefit from the date when other candidates of the same RLST were provided appointment.
7. Learned advocate for the petitioner relies on the order passed by the Hon'ble Division Bench of this Court on 16th August, 2023 in ***FMA 687 of 2022 with CAN 1 of 2022*** in the matter of ***Basudeb Purkait Vs. The State of West Bengal & Ors.*** wherein the Court clearly recorded that a litigant cannot be made to suffer for the delay caused in processing his application for appointment.
8. Learned advocate representing the State respondents submits that there is no provision in DCRB Scheme for condoning the short fall beyond a period of six months.
9. Upon hearing the submissions made on behalf of both the parties and on perusal of the documents annexed to the writ petition, it is evident that the delay in issuing the appointment letter in favour of the petitioner was no way attributable to him.

10. Had the petitioner been issued the letter of appointment in proper time, then the petitioner would have joined the service by November, 2013. The petitioner would have been only six months short for receiving his pension had he been issued the letter of appointment in November, 2013. Six months short fall is condonable in the DCRB Scheme.
11. The Hon'ble Division Bench in the matter of Basudeb Purkait (supra) clearly laid down that the litigant cannot be made to suffer for no fault in his part. Here, the petitioner ought not to be denied his pension for the fault of the Commission.
12. In view of the above, the impugned rejection of the Secretary, School Education Department is set aside.
13. The District Inspector of Schools, Secondary Education, Purba Bardhaman is directed to grant notional benefit to the petitioner on and from November, 2013, the date on which the other candidates in 2012 RLST were given appointment. The arrear pension from the day the petitioner retired from service on superannuation shall also be disbursed.
14. Provision of Clause 7(e) (iv) of the DCRB Scheme, 1981 shall be taken into consideration by the authority. Notional benefit shall be restricted only for the purpose of calculating the pensionary dues of the petitioner.
15. It is made abundantly clear that the petitioner will not be entitled to claim any salary for the period he did not provide service.
16. The District Inspector of Schools shall make necessary calculation and take all steps to ensure that the benefit under the DCRB Scheme is disbursed in favour of the petitioner at the earliest but positively

within a period of twelve weeks from the date of communication of this order.

17. The writ petition stands disposed of.
18. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)