

16<sup>th</sup> Feb., 2026

Item no.D/L 52  
Court No. 18

Pradip, A.R.(Ct.)

**In the High Court at Calcutta**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

Case No. **WPA 12896 of 2024**

*In the matter of :*  
**Father Joy Cyprian D’Souza** .... *Petitioner*  
**VS.**  
**The State of West Bengal & Ors.** ....*Respondents*

*For the Petitioner:*  
**Mr. Soumen Dutta**  
**Mr. Bidyut Kumar Bhattacharyya**  
**Mr. Priyam Misra**  
**Ms. Ankita Misra**  
**Mr. Sanket Chanda** ....*Advocates*

*For the State:*  
**Mr. Moloy Kumar Singh**  
**Ms. Neelam Singh** ....*Advocates*

1. The petitioner is a retired teacher. He retired from service on attaining his normal age of superannuation on 30<sup>th</sup> September, 2015. He alleges that he has not been paid his pension properly as the service rendered by him in the DA getting school was not counted by the authority as pensionable service.
2. Prayer has been made to direct the respondents to count his past service in the DA getting school for ascertaining the period of his pensionable service.
3. Reliance has been placed on the judgment dated 24<sup>th</sup> August, 2017 passed in WPA 17597 of 2017 in the matter of *Silpi Bose Vs. State of West Bengal & Ors.* in support of the submission that the period

spent by the teacher in a DA getting school is to be taken up for consideration for counting his total period of service.

4. In the instant case, it appears that the petitioner was appointed in St. Mary's School and he served in the said school from 12<sup>th</sup> January, 1981 to 31<sup>st</sup> May, 1984. He was appointed as a principal of Sacred Heart School on 1<sup>st</sup> June, 1984 and he served in the said school till 13<sup>th</sup> January, 1991.
5. Both the above schools are DA getting schools.
6. He was thereafter appointed as head master of St. Peter's High School from 14<sup>th</sup> January, 1991 and was transferred to Nirmal Hriday Ashram Boy's High School as headmaster on and from 19<sup>th</sup> August, 1997. He retired from service on 30<sup>th</sup> September, 2015.
7. Learned advocate for the petitioner asserts that the school from which he retired is a government sponsored school and the service rendered by the petitioner in the earlier two DA getting schools ought to be taken up for consideration for counting the pensionable service period of the petitioner.
8. The District Inspector of Schools, Secondary Education, Paschim Medinipur has forwarded a report signed on 18<sup>th</sup> January, 2026 wherefrom it appears that the authority considered the service of the petitioner from 19<sup>th</sup> August, 1997 to 30<sup>th</sup> September, 2015 as acceptable qualifying service for receiving pensionary benefits. The service rendered by the petitioner from 12<sup>th</sup> January, 1981 to 18<sup>th</sup> August, 1997 was not accepted for grant of pensionary benefit.
9. The issue as to whether a teacher will receive pension upon counting past service rendered in DA getting school has been decided by the Court on 28<sup>th</sup> June, 2012 in WPA 7567 of 2011 in the matter of Jai

*Shankar Singh Vs. State of West Bengal & Ors.* wherein the Court clearly held that the petitioner's right to get pensionary benefit emanates from the Government Order issued under Memo No. 180 Edn.(B)/IM-33/88 dated 20<sup>th</sup> May, 1988 which provides that service rendered by a teaching and non-teaching employee in unaided institution or institutions shall be counted towards pensionable service, provided, at the time of retirement, the employee served an institution receiving aid from the government or any other body authorized by the government.

10. The Court directed the authority to count the period of service rendered by the employee both in the DA getting school and the aided school as reckonable service towards pension.
11. The ratio laid down in the said order was followed by the Court in the judgment dated 24<sup>th</sup> August, 2017 in the matter of Silpi Bose (supra).
12. The same ratio was followed by the Hon'ble Division Bench on 7<sup>th</sup> November, 2025 in MAT 916 of 2025 in the matter of *The State of West Bengal & Ors. Vs. Radhe Shyam Tripathi & Ors.* wherein the Hon'ble Division Bench was pleased to affirm the order passed by the learned Single Judge directing counting of service rendered in DA getting school for the purpose of calculating the total service period of the employee.
13. In the instant case, admittedly, the later service period of the petitioner served in the sponsored institution was taken into consideration for grant of pensionary benefit but the period during which the petitioner served in the DA getting institution was found to be not acceptable.

14. Such act of the authority appears to be contrary to the Government Order dated 20<sup>th</sup> May, 1988 as mentioned hereinabove and the law laid down by the Court in the matters referred to hereinabove.
15. In view of the above, the pension sanctioning authority is directed to recalculate the pension payable in favour of the petitioner by taking into consideration his service period both in the DA getting schools and in the sponsored schools.
16. Steps shall be taken in the matter at the earliest but positively within a period of twelve weeks from the date of communication of this order.
17. The pension file of the petitioner shall be forwarded to the DPPG for preparation of revised Pension Payment Order without any further delay.
18. The writ petition stands disposed of.
19. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Amrita Sinha, J.)**