

S/L 87
19.06.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 12496 of 2026

Batu Kumar Koley

Vs.

The State of West Bengal & Ors.

Mrs. Sabita Khutia (Bhuniya)

...for the Petitioner.

Ms. Aparna Banerjee, Ld. AGP

Mr. Atanu Basu

...for the State.

1. Affidavit of service filed in Court today be kept with the records.
2. The wife of the petitioner was serving as an Assisting Teacher in a primary school who died in harness on May 8, 2019.
3. He prays for granting permission to refund the Government's share of contribution in her provident fund account along with interest and additional interest so that she can get the benefit of the pension scheme.
4. Reliance has been placed on the judgment delivered by the Hon'ble Division Bench on 26th July, 2023 in MAT 146 of 2019 (State of West Bengal & Ors. vs. Muktimoyee Pal (Dey) & Ors.) wherein the Court held that the teacher is not required to exercise fresh option but get the benefit of pension if the Government's share of contribution in his provident fund account is refunded along with interest and additional interest.
5. The petitioner claims that option was exercised in terms of ROPA 1990. She is willing to refund the

contributory provident fund amount with interest and additional interest to avail the benefit of pension.

6. In view of the above, the instant writ petition stands disposed of by directing the DI of Schools (PE), Bankura to calculate the amount refunded by the petitioner to avail the pension scheme within a period of eight weeks from the date of communication of this order. If the petitioner refunds the calculated amount within a period of two weeks from the date of receiving the statement of refund, then the DI of Schools shall forward the pension papers of the petitioner to the office of the Director of Pension, Provident Fund and Group Insurance who will thereafter issue fresh PPO in favour of the petitioner after verification of all records within a period of eight weeks thereafter.

7. While computing the interest the authority shall take into consideration Clause (iv) of the notification no. 749-SE(L)/SL/5S-56/13(Pt-V) dated 13th June, 2014.

8. Writ petition stands disposed.

9. Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)